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1949 Alabama Legislation

Final Report - Session: May 3 to September 9, 1949
(Preliminary legislative organizational meeting held January 11, 1949.)

Governor's Message

The following excerpts are taken from the May 3, 1949, message of Governor James E. Folsom to the legislature:

"The same principles applied to the development of Alabama's river valleys would speed the progress of other sections of the State. I call your attention to the fact that the Tennessee Valley Area in North Alabama, and the Mobile Area of South Alabama have had the fastest development of any sections of the State.

"All of Alabama's rivers should be developed fully for navigation, power production and flood control. Rivers and harbors are public resources. Full development of a river valley requires a combination of soil, water, and forestry conservation. It requires development of recreation facilities. It requires development, distribution and sale of power. No private industry can accomplish all of these goals.

"I recommend the establishment of an Alabama Watershed Development Board. This Board would have power to coordinate the activities of governmental units in this field. Its aim would be to complete the public ownership of all generating power in the State. To accomplish this, the Board would have power to borrow money from the Federal Government.

"Only through such action can all of Alabama enjoy advantages such as the Tennessee Valley has gained, and the advantages which Mobile has received from the State Docks."

A. Affirmative ProgramElectric Cooperatives - Rural Telephone Service. H.B. 784, approved August 8, 1949, Act 339.

This act authorizes electric cooperatives to furnish rural telephone service to their members and to other persons subject to the jurisdiction of the Alabama Public Service Commission. Electric cooperatives are permitted to supply telephone service to non-members, not in excess of 10% of the number of its members. In cases where a cooperative acquires existing facilities, supplying telephone service, it may continue such service to non-members provided the number of non-members shall not exceed 40% of the total number of persons receiving telephone service. The act prohibits duplication of services in any area where existing telephone systems are located except in cases where the existing system is unable or unwilling to provide service. There is also a prohibition against acquiring telephone facilities within the corporate limits of a municipal corporation if telephone service is being furnished within such municipal corporation. In addition the cooperatives are given: the power of eminent domain; the power to construct, maintain, operate, etc., lines along public highways; the power to

make loans to persons to whom telephone service is to be supplied for the purpose of wiring their premises and installing telephone fixtures, etc. The act states that "it shall be the duty of the Alabama Public Service Commission to encourage the improvement and expansion of existing rural telephone facilities and the construction and operation of such additional facilities as are required to assure availability of adequate rural telephone service to the widest practicable number of rural users of such service . . ." (The Alabama Rural Electric Association, through its members and officials, was very active in sponsoring and encouraging the passage of rural telephone legislation. Largely through their efforts and the support of Gordon Persons, President, Alabama Public Service Commission, was the bill passed by the legislature and enacted into law.)

H.B. 763 (similar to H.B. 784), Died in House.

S.B. 292 (similar to H.B. 784), Died in Senate.

S.B. 494 (similar to H.B. 784), Died in Senate.

Non-profit corporations - Electricity. S.B. 646, Died in Senate.

B. Defense Program

Electric Cooperatives - Public Service Commission Regulation. S.B. 291, Died in Senate Committee.

This bill would have provided for the regulation of electric membership corporations and electric cooperatives by the Alabama Public Service Commission. The bill would have imposed on electric cooperatives all the elements of commission jurisdiction, regulation and control to which commercial power companies are now subjected. (The Alabama Rural Electric Association was very active in opposing this bill which would have removed the exemption from Public Service Commission jurisdiction presently enjoyed by electric cooperatives. At the hearing on this bill, held on Wednesday June 8, 1949, before the Senate Committee on Commerce and Transportation, President Gordon Persons of the Alabama Public Service Commission appeared and testified in opposition. In his testimony, President Persons indicated that the cooperatives did a good job of controlling themselves and that he did not think that his commission could make the cooperatives any better if placed under his jurisdiction. By a vote of 5 to 0 the Committee voted to postpone action on the bill.)

Taxation - Electric Companies. H.B. 49, Died in House Committee.

This bill would have imposed a 10% gross revenue tax on the incomes of all electric companies, including electric cooperatives. (This bill was opposed by REA borrowers through the manager of the Alabama Rural Electric Association who pointed out that the proposed tax would increase the present tax burden of cooperatives by more than 600% and would have a detrimental effect on their continued prosperity. President Gordon Persons, Alabama Public Service Commission, and President Tom Martin of the Alabama Power Company also testified in opposition to the bill. The Committee voted to postpone action on the bill.)

C. Collateral Legislation

Enacted:

Public Utilities - Rates. S.B. 131, approved June 14, 1949, Act 89.

This act amends Section 52 of Title 48, Code of Alabama, 1940, relating to the rates and charges of utilities and providing that the rates and charges shall be reasonable and just to both the utility and the public.

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Public Utilities - Attorneys. S.B. 148, law without approval August 26, 1949, Act 477.

This act repeals Section 62 of Title 46, Code of Alabama, 1940 which prohibited municipal officers from acting as attorney for any public utility.

Public Utilities - Privilege Taxes. S.B. 109, approved September 19, 1949, Act 613. This act amends Section 745 of Title 37, Code of Alabama, 1940, relating to the maximum amount of privilege or license tax which municipalities may assess against electric light and power companies and other utilities.

Utilities Board - Decatur. H.B. 102, approved May 26, 1949, Act 14.

This act amends Sec. 7 and 15 of the law creating the Municipal Utilities Board of Decatur relating to compensation of members of the Board and expenditures for constructions or additions.

Utilities - Phenix City. H.B. 742, adopted July 26, 1949, Act 292. -

Constitutional Amendment - This amendment to the Alabama Constitution would prohibit the municipality of Phenix City from granting any person, corporation, etc., a franchise for a period of more than thirty years to use its streets for the construction of telephone, light, power, etc., lines.

Industrial Development - Non-Profit Corporations. S.B. 518 approved September 19, 1949, Act 643.

This act authorizes the incorporation of non-profit public corporations for the purpose of promoting industry, developing trade, and furthering the use of agricultural and natural resources.

S.B. 519 (similar to S.B. 518), Died in Senate.

H.B. 446 (similar to S.B. 518), Died in Senate.

Plumbers - Licensing. H.B. 977, approved September 2, 1949, Act 529.

This act applies to all counties having population of not less than 140,000 and establishes a Plumbers Examining Board. The Board is given the usual responsibilities and powers relating to examining and licensing of all plumbers. Provision is made for appeal from decisions of the Board.

H.B. 974, approved August 30, 1949, Act 486. This act repeals subdivision 1 and 2 of Article 17 of Title 62, Code of Alabama, 1910 relating to the regulation of plumbing in Jefferson, Mobile and Montgomery counties.

State Planning Board. S. 478 law without approval September 12, 1949, Act 571.

This act amends the law creating the State Planning Board by amending Section 2 relating to officers and employees of the Board and Section 6 relating to the publication and distribution of the State plan.

Public improvements - Municipalities. H.B. 964, approved August 30, 1949, Act 503. This act amends Section 342 of Title 37, Code of Alabama, 1940 relating to additional powers of municipalities by providing that a municipality may pledge, mortgage or execute deeds of trust upon any undertaking for the purpose of financing the cost of such undertaking.

S. 245 approved June 14, 1949, Act 66. This act also amended Section 342 of Title 37 of the Code of Alabama, 1940. It was superseded by H.B. 964, Act 503, above.

4-1949 Alabama Legislation

Records - Photostat. S. 38 approved June 23, 1949, Act 125.

This act amends Section 5 of Title 7, Code of Alabama, 1940 relating to the recording of documents by providing that documents required to be recorded by the clerk and register of the Circuit Court may be recorded by photograph or photostat machine.

S. 40 approved June 23, 1949, Act 126. This act amends Section 213 of Title 13, Code of Alabama, 1940 relating to the duties of the registers of circuit courts by providing that documents may be recorded by means of a photograph or photostat machine.

Failed:

Power Companies - Rates. H.J. Res. 54.

This joint resolution related to the rates charged by private power companies - Died in House.

Public Utilities - Franchise. H.B. 480, Died in House; S.B. 395, Died in Senate; S.B. 480, Died in Senate.

Public Utilities. H.B. 325, Died in House; H.B. 357, Died in House.

Trafficking in Poles. S.B. 414, Died in Senate.

Records - Microfilming. S.B. 211, Died in Senate; H.B. 316, Passed House, Died in Senate.

Public Service Commission - Salary of President. H.B. 628, Died in House.

Contractors Licensing Board. S.B. 195, Died in Senate.

Taxation - Ad Valorem Taxes. H.B. 186, Died in House; H.B. 854, Died in House.

Sales Tax - H.B. 152, Died in House; H.B. 258, Died in House; H.B. 288, Died in House; H.B. 511, Died in House.

Rate of Use Tax - H.B. 337, Died in House.

Department of Conservation. H.B. 378, Died in House

Plumbers - Bonds. H.B. 662, Died in House.

1949 Alaska Legislation

Final Report - 19th Session: January 24 to March 24, 1949

A. Affirmative Program

Enacted:

Alaska Property Tax Act. H.B. 2 approved February 21, 1949, Chapter 10. This act levies a tax on property in Alaska. Section 6 relates to exemptions and subsection (b) provides that "the property of the United States, of the Territory, and of any municipal corporation, independent school district, incorporated school district, public utility district and association operating utilities under arrangement with the Rural Electrification Administration, shall be exempt hereunder."

Motor Fuel Tax. H.B. 80 approved March 19, 1949, Chapter 56.

This act amends the Motor Fuel Tax act by exempting from the tax, fuel used in stationary power plants operated by municipally owned public utilities or by non-profit power associations or corporations for generating electricity for resale.

Alaska Business License Act. H.B. 10 approved March 18, 1949, Chapter 43.

This act establishes a business license system in Alaska. Section 3 relates to exemptions and subsection (c) provides that "gross receipts from municipally owned and operated utilities and from operation of utilities by incorporated utility districts or non-profit associations and non-profit cooperatives are exempt hereunder."

Public Utility Districts. S.B. 33, approved March 21, 1949, Chapter 75.

This act amends Section 49-2-21 of the Alaska Compiled Laws Annotated, 1949, relating to the powers of public utility districts. As amended the districts are given the authority to bring injunctive proceedings and to grant franchises for the use of streets and other public places. To be valid the franchise must be submitted to an election and approved by at least 55% of the voters.

B. Defensive Program

No measures came to our attention which would have restricted the REA program in Alaska.

C. Collateral Legislation

Enacted:

Municipal - Public Utility Boards. H.B. 117, approved March 23, 1949, Chap. 92. This act amends Section 16-1-35 of the Alaska Compiled Laws Annotated, 1949, relating to the powers of first class cities to own and operate public utilities by providing (Sec. 2) that the operation of such utilities may be carried on by a Utility Board of five members elected at a general or special municipal election. The act provides for staggered terms for members; the appointment of a manager; etc.

S. 87, approved March 26, 1949, Chapter 126. This act amends Sec. 2 of Chap. 92 (above) by providing that this section constitutes a re-enactment of statutory

authorization for establishment of municipal utility boards. (This authority had been inadvertently repealed by Chapter 75, Session Laws, 1939.) This act recognizes the *de facto* status of such boards during the intervening period and validates and confirms all action taken by the boards in conformity with the provisions of Chapter 48, Session Laws 1935, under which law, public utility boards were established.

Flood Control - Cooperation with Federal Government. S.B. 66, approved March 25, 1949, Chapter 110.

This act declares that it is the policy of the Territory of Alaska to cooperate with the Federal Government in flood control and river and harbor improvement projects. Section 5 provides that incorporated municipalities shall have and exercise the right of eminent domain for the purposes of flood control, channel and river and harbor improvement, and that such right of eminent domain may be exercised by them within a distance of fifty miles from their corporate limits.

City Councils - franchises. H.B. 106, approved March 23, 1949, Chapter 91.

This act amends Section 16-1-35 of the Alaska Compiled Laws Annotated, 1949, relating to the issuing of franchises by first class cities. As amended, subsection 16 provides for the issuance of exclusive franchise privileges and Section 2 of the Act validates exclusive franchises heretofore granted.

Engineers - Licensing. S.B. 79 approved March 25, 1949, Chapter 111.

This act amends various sections of Alaska Compiled Laws Annotated, 1949 (35-2-141, 142, 143, 147, 149, 156) relating to the registration and licensing of professional engineers and architects.

Hydroelectric projects. S.J.M. 5 approved February 12, 1949.

This joint memorial urges that Alaska be included in the Bureau of Reclamation program with participation under the Reclamation Fund for the development of hydroelectric and land utilization projects.

H.M. 21, approved March 24, 1949. This memorial requests that consideration be given to making an appropriation of \$1,250,000 available to the Bureau of Reclamation in the fiscal year 1949-1950 in order to continue the investigation of hydroelectric power sites in the Territory of Alaska.

1949 Arizona Legislation

Final Report --- 19th Session: January 10 to March 19, 1949

Governor's Message

The following excerpts are taken from the January 10, 1949 message of Governor Dan E. Garvey to the legislature:

"We have only to look at our empty reservoirs and the current power shortage to realize that we must bring in Colorado River water for these agricultural areas which need it and electricity from the Boulder and Davis Dams to supply the industries we must help to develop. The urgent need for water and the depletion of our underground water storage is retarding the progress of an agricultural empire lying within our boundaries but not adjacent to the Colorado River. This great area requires only water to make it the most productive agricultural section of the entire southwest. We must secure this ample requirement of water and the Colorado River is the only known source from which we may acquire it. To this end private industries and the people of the state, together with the state government, must work with our congressional delegation and federal government ..."

"The depletion of our underground water resources and lack of moisture through the past several years make it mandatory that an underground code be adopted if the preservation of our underground waters is to be assured ..."

"Hydro-electric energy generated at the dams now constructed, undergoing construction and those dams proposed to be constructed along the Colorado River must be secured and brought into the agricultural and industrial centers of our State that cheap power may be available to every community."

"The Power Authority Commission has entered into negotiations with the federal government for the construction of power lines to every section of the state which will make cheap electric power available to every person in this state who desires to use same. It is not the intention of the Power Authority to compete with the private enterprises engaged in the distribution of electric energy but it is their intent to control the delivery of the power from the dams to the distribution centers that the people of the state may be assured of just rates for the electricity that they use."

"I urge this legislature to cooperate with the Interstate Stream Commission and the Arizona Power Authority Commission in enacting such legislation as may be needed to comply with Reclamation Bureau and Interior Department requirements for the development of the stream."

A. Affirmative Program

Electric Cooperative Act Amendment. H.B. 45 approved March 28, 1949, Ch. 120, amends Sec. 53-454 of the Arizona Code relating to the powers of an electric cooperative by striking out the limitation that a cooperative may not serve other persons in excess of ten per cent of the number of its members. It also amends Sec. 53-480 of the Arizona Code relating to prohibitions in connection with facilities already served by providing that a cooperative may not construct electric distribution lines duplicating existing electric facilities of another distributor of electric energy without the written consent of such other distributor or where it can be shown that such other distributor did not furnish electric service within 90 days from the time of mailing or filing a written request for such service.

(H.B. 45 was sponsored by the rural electric cooperatives in Arizona and as originally introduced contained provisions which would have permitted out-of-State rural electric cooperatives to construct or acquire transmission lines in the State of Arizona and to supply such lines in compliance with the Arizona Rural Electric Cooperative Act. It further provided for amending Sec. 53-455 of the Arizona Code relating to the name to be used by Arizona electric cooperatives; adding Sec. 53-478b relating to the limitation of actions but providing that no action may be brought against a cooperative by reason of maintenance of electric transmission or distribution line on any real property after the expiration of a period of two years of continuous maintenance of such lines; adding Sec. 53-481a entitled "Exemption from jurisdiction of the Corporation Commission" which would have ~~stricken~~, specifically spelled out, the exemption of rural electric cooperatives from the jurisdiction and control of the Corporation Commission. The above sections were stricken from the bill in the House of Representatives. ~~but~~ The Arizona Electric Cooperative Association felt that inasmuch as time was running out and the legislature was expected to adjourn shortly, they would accept the bill as it was eventually passed. It is understood that the reason for inserting the first section relating to foreign corporations was to assist a cooperative being formed at Callup, New Mexico to serve the rural people in the area on the Arizona side of the border. The amendment to Sec. 480 relating to prohibitions to facilities already served was drafted because of the ambiguous interpretation given to the word "territory." Utility lawyers have argued in cases before the Arizona Supreme Court that the word "territory" is synonymous with the word "county" and that under the certificates of convenience and necessity granted the utilities by the Corporation Commission, the utilities have exclusive rights to the entire county. The purpose in proposing the amendment here was to define the word "territory" to cover areas actually being served by central station electric power. By eliminating the word "territory" it is felt that areas not receiving such service would then be open to the electric cooperatives. The fifth section relating to the exemption of electric cooperatives from the jurisdiction of the Corporation Commission was designed to eliminate any doubt as to the fact that rural electric cooperatives are not subject to the jurisdiction of the Corporation Commission.)

B. Defensive Program

None.

C. Collateral Legislation

F. 1.1.

Municipal Utilities. H.B. 225--Died in House. This bill would have provided for the control and management of municipally owned utility plants through the establishment of a utility service board or commission appointed by the governing board of the city or town.

H.B. 242--Passed House; died in Senate. (Same as S.B. 130--Died in Senate). These bills would have amended Sec. 16-604 of the Arizona Code of 1939 relating to the purchase by municipalities of public utilities operating under existing franchises.

Licensing of Contractors. S.B. 42--Died in Senate. This bill would have amended Sec. 67-805 of the Arizona Code of 1939 relating to issuance of contractor's licenses by the registrar of the board and providing for the disposition of fees obtained under this act.

S.B. 63--Died in Senate. This bill would amend various sections of the Arizona Code of 1939 relating to the regulation of the business of contracting in the State of Arizona, which provides for the licensing of contractors, the classification of contractors and the establishment, duties, and functions of the Arizona Contractor's License Board and Registrar.

Plumbing Regulation. H.B. 236--Passed House; died in Senate. This bill would have given authority to the boards of health of any city, county or district to adopt regulations covering the trade or practice of plumbing.

Natural Resources. H.B. 248--This bill would have established the Arizona Emergency Commission of Natural Resources and would have given authority to the commission to take the necessary steps to bring Colorado River water into Arizona. The commission would: replace the Arizona Power Authority; have the power to issue tax-exempt bonds; have the authority to begin construction of dams, tunnels, canals and appurtenant structures, etc.

E. 1.1.

Upper Colorado River Basin Compact. H.B. 13, approved January 21, 1949. This act ratifies the compact which was executed on October 11, 1948 by representatives of the state of Arizona, Colorado, New Mexico, Utah and Wyoming.

Flood Control. H.B. 29 approved February 7, 1949. This act permits counties, cities and towns to cooperate with the United States in the construction of flood control works.

F. 1.2.

Taxation. S.B. 21--Died in Senate. This bill would have established a revolving fund to be used by the corporation commission in the regulation of electrical, gas, telephone and water corporations.

H.B. 24--Passed House; died in Senate. This bill would have provided for limiting the tax levy on property and providing for an increase in privilege tax rates by proclamation.

Corporation Commission. S.C.R.1--Died in Senate. This concurrent resolution would have amended the constitution to place the Corporation Commission under the control of the state legislature in connection with its activities and expenditures.

1949 Arkansas Legislation

Final Report - 57th Session: January 10 to March 10, 1949

Governor's Message

The following excerpts are taken from the January 10, 1949 message of Governor Sid McMath to the legislature:

Developments and Future Planning

Arkansas is ready now to fulfill her latent promise and utilize her rich, almost limitless, human and natural resources

We need complete information about the State's water resources, especially in connection with industry. Development of our rivers for navigation and irrigation projects, and electrical power potential will be accelerated

The State must redouble its efforts to improve agriculturally and to build and obtain more agricultural processing plants. The State Government will continue its cooperative program with the Arkansas Economic Council and the municipalities for the general development of Arkansas. Added emphasis will be placed on the industrial development program we need to get a more nearly balanced economy. We must cooperate and deal fairly with both business and labor to insure the attainment of these developments for the future.

A. Affirmative Program

No affirmative program was undertaken by our borrowers.

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Transmission Lines - Airports. H.B. 130 approved March 19, 1949, Act 285. This act prohibits the construction and maintenance of electrical and communication transmission lines within the approach zone of any airport. It requires the removal of such lines within six months after the passage of the act provided that the owner or operator of the airport requests in writing, specifying the lines to be removed and pays the costs involved in the removal of such lines. In the event of failure to agree upon the amount of costs, the Public Service Commission shall make a determination of same.

Municipally-owned Utilities - Revenue Bonds. H.B. 436 approved March 28, 1949, Act 463. This act enables municipalities owning and operating utility plants to issue revenue bonds for public purposes to be paid for from the net revenues of such public utility plants.

Municipal Utilities - Insurance Plans. S.B. 46, approved February 10, 1949, Act 72. This act permits boards of commissioners or other controlling or managing body, for municipal light and power plants in cities of the first class to provide social security, groups insurance, hospitalization insurance, old age pensions, etc., for their employees.

Municipal Utilities - Transfer of Assets. H.B. 216 approved March 7, 1949, Act 242. This act amends section 20-315, Arkansas Statutes, 1947 relating to the transfer of the assets of water and electric light districts after the retirement of all outstanding bonds and other indebtedness.

Municipalities - Adoption of Codes. S.B. 234 approved March 10, 1949, Act 267. This act permits municipalities by ordinance to adopt by reference, technical codes, regulations, or standards.

Public Contracts. H.B. 73 approved March 3, 1949, Act 223. This act pertains to the letting of public contracts and requires the letting of contracts by competitive bids, awarding of contracts to the lowest bidder, and the posting of a surety bond to guarantee execution of contract.

Failed:

Utilities - Electricity. H.B. 53, Died in House.

Electricity - Light, Heat, Power. H.B. 220, Withdrawn in the House.

Public Utilities - Rates. H.B. 226, Killed in House.

Public Utility Corporations. H.B. 337, Died in House.

Municipal Utility Plants. S.B. 332, Withdrawn in the Senate.

Fees - Public Service Commission. S.B. 93, Died in Senate.

Public Service Corporations. H.B. 335, Died in House.

Board of General Contractors. H.B. 45, Withdrawn in House.

Chattel Mortgages. S.B. 201, Passed Senate, Died in House. H.B. 513, Died in House.

1949 California Legislation
Final Report - Session: January 3 to July 2, 1949

A. Affirmative Program

Failed:

Rural Electrification - Tax Exemption. A.B. 3044, Died in Assembly.

This bill would have added a new section to the Revenue and Taxation Code and would have provided that "all property of any rural electrification association organized under the authority of an act of Congress known as the Rural Electrification Act of 1936 and financed by loans from the Rural Electrification Administrator shall be exempt from taxation."

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Nonprofit corporations. A.B. 1450 approved July 29, 1949, Chap. 1391.

This act amends Sec. 9200, 9300, 9301, 9303, 9304, 9305, 9400, 9402, 9600 and 9602 and adds Sec. 9003 to the Corporations Code, relating to nonprofit corporations. These sections relate to the purposes for which a nonprofit corporation may be formed; the contents of the articles of incorporation; qualifications of membership; adoption and revision of by-laws; etc.

Public Utility Districts. A.B. 2387, Approved April 22, 1949, Chap. 61.

This act amends Sec. 5 of the Public Utilities District Act relating to hearings on petitions for organization of public utility districts and provides for the exclusion from proposed districts of property not substantially benefitted.

A.B. 1255, Approved April 22, 1949, Chap. 59. This act amends Sec. 51a of the Public Utility District Act of 1921 relating to the procedure for the annexation of unincorporated territory by a public utility district.

Public Utilities Commission. A.B. 3115, approved July 25, 1949, Chap. 1205.

This act amends Sec. 57 of the Public Utilities Act relating to the fees and charges to be made and collected by the Public Utilities Commission.

Utility - easements. S.B. 691, approved May 6, 1949, Chap. 167.

This act amends Sec. 5012.1 of the Public Resources Code relating to public utility structures and easements across state park lands.

Central Arizona Project. A.J.R. 10, filed January 27, 1949, Res. Chap. 57.

This resolution memorialized the Congress to suspend consideration of legislation authorizing the construction of the Central Arizona project and to adopt a resolution authorizing a suit in the United States Supreme Court to adjudicate the respective rights of Arizona, Nevada and California to the waters of the Colorado River.

Failed:

Public Utilities. A.B. 2471, Died in Assembly.

This bill would have amended the Public Utilities Act by adding two new sections

which would have provided that charges conditioned upon a minimum service period are unreasonable unless such period is necessary to return the cost of establishment of such service and would have authorized the Public Utilities Commission to require the establishment of physical connections between the transmission facilities of electrical corporations subject to its jurisdiction and those of other public utilities.

(A large number of farm people appeared in support of this bill and asked for the removal of the stand-by electric service charge levied against farmers. The farmers have been paying the demand charge for years, in the belief that it was a protection for them for a guarantee of service. The other provision was sought in order to require the Pacific Gas and Electric Company to rent its distribution lines to the Bureau of Reclamation in order to permit the wheeling of Shasta dam power to public agencies.)

Public Utilities - Rates. A.B. 2442, Died in Assembly.

This bill would have amended Sec. 15 of the Public Utilities Act by prohibiting the changing of rates except after public hearing. It would also have deleted the provision authorizing the Public Utilities Commission to allow changes in rates without the necessity of a 30-day notice.

A.B. 2443, Died in Assembly. This bill would have amended Sec. 63 of the Public Utilities Act relating to increases in rates.

Public Utilities - Certificate of Convenience and Necessity. A.B. 2359, Died in Assembly.

This bill would have added Sec. 50.1 to the Public Utilities Act which would have prohibited the Public Utilities Commission from granting certificates of convenience and necessity within the boundaries of a governmental agency furnishing a service similar to that proposed, unless consent of such agency is obtained, or, after demand, such agency refuses to render service.

Public Utilities - filing complaints. A.B. 2750, Died in Assembly.

This bill would have amended the Public Utilities Act relating to complaints against public utilities and providing for the appointment of a people's counsel to represent the public in the prosecution of such complaints.

A.B. 2751, Died in Assembly. This bill would have amended the Public Utilities Act relating to the enforcement of laws affecting public utilities.

A.B. 2327 (same as A.B. 2751), Died in Assembly.

Power Authority. S.B. 1640, Died in Senate.

This bill would have created the California Power Authority which would have had the duty of conserving and developing the State's electrical resources, and financing facilities for the generation, transmission and distribution thereof.

Water Power. A.B. 401, Passed Assembly; Died in Senate.

This bill would have provided the means whereby the people of any county or group of counties could take advantage of any natural or artificial conditions which affords the opportunity for the development of water and power and its sale and distribution.

S.B. 794, Died in Senate. This bill related to the selection of sites for water projects.

S.B. 823, Died in Senate. This bill would have amended Sec. 31 of the State Water Resources Act of 1945 relating to the construction of a multiple purpose dam in the vicinity of Table Mountain on the Sacramento River.

Public Utility Districts. A.B. 1253, Vetoed April 22, 1949.

This bill would have provided for the exclusion of property from a public utility district after a finding that the property will not be substantially benefitted by such inclusion.

A.B. 1254, Died in Assembly. This bill would have required the exclusion of property from a public utility district in cases where property owners protest against such inclusion.

Public Utility - property. S.B. 441, Died in Senate.

This bill would have amended Sec. 1247 of the Code of Civil Procedure by prohibiting courts from ordering condemnation of public utility property except to extent authorized and subject to conditions prescribed by the Public Utilities Commission.

Public Utilities - accidents. A.B. 1355, Passed Assembly; Died in Senate.

This bill would have amended the Public Utilities Act to provide that all reports of accidents made by public utilities shall be for the confidential use of the Public Utilities Commission.

Nonprofit corporations. A.B. 1058, Died in Assembly.

This bill would have amended Sec. 21104 of the Corporations Code to empower nonprofit associations to sue in their own name with the same effect as if individual members had joined in the action, when it is so authorized by charter or by-laws.

A.B. 1449, Passed Assembly; Died in Senate. This bill would have required nonprofit corporations exempt from taxation to file an annual statement showing its officers with the Secretary of State.

Plumbing Installations. A.B. 1927, Died in Assembly.

This bill would have prescribed standards, specifications, and regulations for plumbing and gas installations.

CALIFORNIA

Earl Warren, Governor

January 3, 1949

. . . No discussion of agriculture, or, for that matter, of business or industry in California, would be adequate without mention of our all-important problem of water conservation.

I firmly believe that the most important feature in the development of our State is the conservation of our water. We must save every drop of it. We must use it for every purpose that it can be used for, irrigation, flood control, power, domestic use, preservation of wild life, and many other uses..

1949 Colorado Legislation

Final Report - 37th Session: January 6 to April 20, 1949

Governor's Message

The following excerpts are taken from the January 6, 1949 message of Governor William Lee Knous to the legislature:

... The first of the matters I urge for your favorable consideration is the early ratification of the interstate compacts on the Arkansas River and for the upper basin of the Colorado River which recently were settled and signed by the Commissioners representing the affected states, including Colorado. As I presume most of you well know, the Arkansas controversy, finally settled by across-the-table negotiations, has been the subject of expensive and extended litigation for more than forty years. To me, this experience demonstrates that in the interest of preserving good relations with our sister states and for the securing of realistic and firm results, the settlement of interstate differences by compacts amicably negotiated, is far better than seeking a solution through the tortuous course of litigation. Litigation on the Colorado River, our 'last water hole,' is now being advocated by some of the lower basin states and a resolution to permit such a course was introduced in the last Congress of the United States. The surest safeguard against litigation on the Colorado lies in the earliest possible approval by you of the compact recently signed by our Commissioners and those of the other four states in the upper basin.

"Under the law before becoming binding and operative, both the Arkansas and Colorado River compacts in addition to being ratified by you, must as well be approved by the General Assemblies of all the other signatory commonwealths and then by the Congress. Since no major reclamation projects on the Colorado, so absolutely essential to the full utilization within our borders of the waters arising in our state, can or will be authorized until Colorado's share of its waters are firmly and finally allocated, the necessity for speedy action is most obvious . . ."

A. Affirmative Program

Rural Electric Cooperatives. H.B. 1021 approved April 16, 1949, Chapter 204. This act repeals Section 36 (k) of Chapter 137, 1935 Colorado Statutes Annotated. This section had required that rural electric cooperatives obtain the approval of the Colorado Public Utilities Commission before rendering service in a territory already served by electric public utilities or in territory which can be reasonably served by an existing public utility, etc. (Under the burden of the restriction set up by Sec. 36 (k) the programs of the Colorado REA co-ops had been stymied. Spearheaded by the Colorado State Association of REA Cooperatives the REA borrowers launched a legislative program designed to repeal Sec. 36 (k) and also obtain the enactment of the model Electric Cooperative Act. As a result of their activities H.B. 1021 (above) passed the House by a vote of 52-7 on March 31 and the Senate by a vote of 25-5 on April 7, 1949.)

Electric Cooperative Act. H.B. 1003, Passed House 52-6, Died in Senate Agriculture Committee. This bill was the model rural electric cooperative act. (In the drive for the enactment of H.B. 1021 (above) to repeal Section 36(k) it was argued that because of the opposition of the utility companies and their supporters it would not be possible to get both H.B. 1021 and H.B. 1003 through the Senate at the same session and therefore H.B. 1003 was sacrificed for the 1949 session.)

Public Power Districts. H.B. 1006, Died in House. This bill would have provided for the establishment of public power districts in Colorado. S.B. 725 (same as H.B. 1006), Died in Senate.

The following bills were introduced by title only:

Rural Electric Cooperatives. H.B. 14 and H.B. 1009, Died in House. S.B. 663, S.B. 723 and S.B. 724, Died in Senate.

People's Utility Districts. H.B. 927 and H.B. 928, Died in House. S.B. 603 and S.B. 610, Died in Senate.

Electric Districts. H.B. 1008, Died in House.

Taxation - Electrical Cooperatives. H.B. 1016, Died in House.

B. Defensive Program

Electric Cooperative Act. S.B. 542, Died in Senate. This bill would have amended Section 36 (k) of Chapter 137, 1935 Colorado Statutes Annotated. It was offered by the utilities as a compromise against outright repeal of Section 36 (k). The bill would have continued the restrictions against a cooperative from extending its lines "in an area served by any electric public utility."

C. Collateral Legislation

Enacted:

Arkansas River Compact. S.B. 6 approved February 19, 1949, Chapter 180. This act approves the Arkansas River Compact entered into between the States of Colorado and Kansas on December 14, 1948, relating to the distribution and use of the waters of the Arkansas River. H.B. 2 (same as S.B. 6), Died in House.

Upper Colorado River Compact. H.B. 1 approved February 2, 1949, Chapter 181. This act approves the Upper Colorado River Compact entered into between the States of Colorado, New Mexico, Utah, Wyoming and Arizona on October 11, 1948, relating to the distribution and use of the waters of the Colorado River System. Article XV of the compact provides that the waters of the Upper Colorado River System may be impounded and used for the generation of electrical power, but such use shall be subservient to the use of water for agricultural and domestic purposes.

Vacating Streets, Roads. S.B. 255 approved May 6, 1949, Chapter 217. This act provides for the vesting of title to land whenever a road, street, alley or thoroughfare shall be vacated. Section 3 (c) provides that rights-of-way or easements may be reserved for the continued use of existing electric, telephone, and similar lines.

Constitutional Amendment - Legislative Sessions. H.C.R. 11 adopted April 19, 1949. This resolution provides for submission to the electors at the next general election for members of the General Assembly (November, 1950) of a constitutional amendment which would provide for the holding of annual sessions of the legislature, election of legislative officials, removal of time limitation on the introduction of legislation, etc.

Failed:

Public Utilities Commission. H.B. 1020, Died in House. This bill would have amended the law relating to the powers and duties of the Colorado Public Utilities Commission with respect to the investigation into rates, fares, charges, etc., in connection with the furnishing of gas, electricity, water, transportation, etc., to the general public for public use.

H.B. 313, Died in House. This bill related to the compensation of the members of the Public Utilities Commission.

S.B. 665, Died in Senate.

Registration of Engineers. S.B. 582, Passed Senate, Died in House. This bill would have created a State Board of Registration for Professional Engineers and Land Surveyors and provided for the registration and licensing of engineers, land surveyors, and engineers in training.

Labor Relations. H.B. 30, Passed House, Died in Senate. This bill related to the jurisdiction of courts in connection with employment relations between employers and employees and labor unions in the handling of labor disputes.

H.B. 39, Died in House.

The following bills were introduced but died:

Installation of Electrical Wiring. H.B. 305, Died in House.

Public Utilities. S.B. 60, Died in Senate and H.B. 1038, Died in House.

Electric Public Utilities. S.B. 539, Died in Senate and H.B. 973, Died in House

Electrical Energy. S.B. 722, Died in Senate and H.B. 843, Died in House.

Electrical Energy - Taxation. H.B. 1010, H.B. 1011, H.B. 1012, H.B. 101⁴, H.B. 1015, H.B. 1017, H.B. 1018 and H.B. 1019, Died in House.

Telephone Lines. H.B. 920, Died in House and S.B. 619, Died in Senate.

Sales and Use Tax. H.B. 761, H.B. 922, H.B. 1013 and H.B. 1022, Died in House.

Cooperatives. H.B. 1121, Died in House.

Nonprofit Corporations. H.B. 428, H.B. 767, H.B. 768 and H.B. 769, Died in House.

Chattel Mortgages. S.B. 474, Died in Senate. H.B. 270, H.B. 361 and H.B. 749, Died in House.

1949 Connecticut Legislation

Final Report - Session: January 5 to June 8, 1949

A. Affirmative Program

Although the Model Electric Cooperative Act was enacted in Connecticut in 1941 there has been no electric cooperative development in Connecticut. The latest reports on farm electrification show that Connecticut leads the country in having the highest percentage of electrified farms, with less than one hundred farms without electric service. Therefore, there appears to be no likelihood of electric cooperative development in this State.

B. Defensive Program

None.

C. Collateral Legislation

The following bills which were introduced into the Connecticut Legislature appeared to be of general interest.

Enacted:

Connecticut River Valley Flood Control Company. S.B. 415 approved July 21, 1949, Public Act 260.

This act ratifies the compact between the Commonwealth of Massachusetts and the States of Connecticut, New Hampshire and Vermont which establishes the Connecticut River Valley Flood Control Commission and whose principal purposes are (a) to promote interstate comity among and between the signatory States; (b) to provide adequate storage capacity for impounding the waters of the Connecticut River and its tributaries for the protection of life and property from floods; and (c) to provide a joint or common agency through which the signatory States may more effectively cooperate in accomplishing the object of flood control in the basin of the Connecticut River.

Failed:

New England Development Authority. S.B. 1037, Died in Senate.

This bill would have established the New England Development Authority in conjunction with the States of Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. (This bill was introduced into the legislatures of each of the above States but was enacted only in Rhode Island.)

Connecticut Valley Authority. S. Res. 18, Passed Senate, Died in House.

Electricity.

H.B. 168 relating to electric service charges - Killed in House.

H.B. 780 relating to sale of electricity - Killed in House.

S.B. 975 relating to average bills of utilities - Passed Senate, Died in House.

H.B. 845 relating to gas and electricity - Killed in House.

Public Utility Commission.

H.B. 1151 relating to the public utilities commission - Killed in House.

S.B. 665 and S.B. 971 relating to the public utilities commission - Died in Senate.

H.B. 1155 relating to public utility commissioners - Killed in House.

S.B. 973 and S.B. 974 relating to public utility commissioners - Died in Senate.

H.B. 1152 relating to public utility hearings - Killed in House.

S.B. 972 relating to summary investigations of utilities - Died in Senate.

Cooperatives. S.B. 896 relating to cooperatives - Killed in Senate.

Connecticut - First Special Session

Convened - June 14, 1949 - Adjourned June 30, 1949.

(This session was called to consider legislation increasing the sales tax.)

Connecticut - Second Special Session

Convened - October 5, 1949 - Adjourned October 6, 1949.

(This session was called to make technical amendments in the housing law enacted by the 1949 regular session.)

Connecticut - Third Special Session

Convened - November 9, 1949 - Adjourned December 1, 1949.

(This session was called to consider a school building bond program.)

1949 Delaware Legislation

Final Report - Session: January 4 to June 3, 1949

A. Affirmative Program

No affirmative program of legislation was sponsored by the Delaware Rural Electric Association, the only REA borrower in Delaware.

B. Defensive Program

Public Service Commission. S.B. 273 approved June 15, 1949, Chapter 254. This act creates the Public Service Commission of Delaware. The Commission is given general supervision and regulation over all public utilities, including their property, property rights, equipment, facilities and franchises. By definition "public utility" specifically includes cooperatives. The Commission is given the power to fix rates, hold hearings, investigate any matter concerning a public utility, issue franchises after making a determination that it is necessary and proper for public convenience, etc. H.B. 438 (same as S.B. 273), Killed in House.

(It is reported that one of the three commissioners appointed to the Public Service Commission is a director of the Delaware Rural Electric Association, the only REA borrower in Delaware.)

C. Collateral Legislation

Enacted:

Corporations. H.B. 297 approved May 23, 1949, Chap. 136. This act amends various sections of Chapter 65 of the Revised Code of Delaware, 1935, relating to the certificate of incorporation, election of directors, and procedure to be followed after a consolidation or merger.

Chattel Mortgages. H.B. 180, approved May 27, 1949, Chap. 157. This act amends section 48 of Chapter 79 of the Revised Code of Delaware, 1935, relating to chattel mortgages, prescribing fees, regulating assignment, release, satisfaction and extension of the liens of such mortgages; prescribing methods of foreclosure, etc.

Electrical Plant - Dover. H.B. 196, approved June 29, 1949, Chapter 315. This act authorizes the City of Dover to issue \$500,000 in bonds to be used for the general improvement of the water and electrical plant of Dover.

Municipal Light and Power Plant - Seaford. S.B. 103, approved May 16, 1949, Chapter 62.

This act authorizes the City of Seaford to set aside portions of the gross receipts from the municipal light and power plant in order to establish reserve funds to be used for the replacement, repair or extension of the municipal power plant and the electrical transmission systems.

Failed:

Electrical Administration Board. S.B. 373, Passed Senate, Died in House.

Examiners of Electricians. H.B. 558, Killed in House.

Electrical Wiring and Equipment. Three bills relating to this subject were introduced but failed of passage.

H.B. 510, Killed in House.

S.B. 381, Died in Senate.

S.B. 382, Died in Senate.

Corporations. S.B. 139, Died in Senate.

First Special Session

Convened September 27, 1949 - Adjourned September 30, 1949.

This special session was concerned with veterans bonus matters.

Second Special Session

Convened November 4, 1949 - Adjourned November 4, 1949.

This special session was concerned with a school building bonds law.

1949 Florida Legislation

Final Report - 32nd Session: April 5 to June 3, 1949

Governor's Message

The following excerpts are taken from the April 5, 1949 message of Governor Fuller Warren to the legislature:

"...Florida levies one of the lightest taxes of its kind in the United States on public utilities. Power companies, telephone and telegraph companies, and gas companies pay a tax of only $1\frac{1}{2}\%$ of their gross receipts, while most other states impose a tax of $3\frac{1}{2}\%$. This tax now brings into the State's general revenue fund about \$1,500,000 per year. By increasing it to $3\frac{1}{2}\%$ an additional \$1,500,000 could be obtained. I recommend that Florida's utility tax be increased to not less than $3\frac{1}{2}\%$...

"...Florida's intangible tax is one of the very lowest in the United States. It is even about twice as low as the very low maximum fixed by the Constitution, which is 2 mills on each dollar of valuation. The present very low intangible tax yields about \$3,000,000 per year to the State and to the counties, 75% of which goes to the State and 25% to the counties. I recommend that the tax on intangibles be raised to the 2 mills permitted by the Constitution. This would bring in an additional \$3,000,000 of urgently needed revenue, and it wouldn't hurt nearly as much as some other taxes.

"The documentary stamp tax in Florida is 10¢ per \$100, or fraction, of the amount involved. Florida's tax as to mortgages and security is much lower than that of Alabama. The documentary stamp tax at 10¢ per hundred yields about \$2,000,000 per year. By increasing it to 20¢ per hundred, an additional \$2,000,000 could be obtained. I recommend such an increase ...

"...I recommend that the legislature provide the sum of approximately \$3,500,000 per year for water and flood control, and provide for its administration.

A. Affirmative Program

No affirmative program was undertaken by REA borrowers in Florida.

B. Defensive Program

Regulation of Electric Utilities. S.B. 91, Passed Senate 24 to 9, Killed in House. H.B. 152, (substituted by S. 91), Died in House. H.B. 392, (substituted by S. 91), Died in House. These bills would have extended the jurisdiction of the Florida Railroad and Public Utilities Commission over public utilities engaged in the generation, transmission, distribution, sale, etc., of electricity or gas. The commission would have been given the power to: regulate rates; approve the issuance of securities, appraise and fix the

value of real and personal properties of the utilities; regulate, supervise and control mergers, consolidations and reorganizations of public utility companies, etc. The bills would have also provided for increasing the number of commissioners and districting the state to provide representation for each of the five districts by one commissioner. The bill specifically exempted utilities owned and operated by municipalities and cooperatives.

(Passage of this bill was opposed by various municipalities and by REA cooperatives. It was felt that should the bill become law attempts would then be made to extend the commissions jurisdiction over the municipalities and cooperatives.

During the debate on this bill the charge was made that the Rural Electrification Administration was opposed to the passage of these bills. Inquiries concerning this charge were directed to the Administrator who replied that "this Administration has not taken and will not take any position with respect to these bills."

Transmission Lines over Highways. H.B. 400, Died in House. This bill would have required all electric light, power, telephone, telegraph, or other companies to place underground or to maintain at an elevation of not less than 2 $\frac{1}{4}$ feet all lines, wires, etc., crossing any state, county or municipal roads. The bill would also have required the removal of such lines whenever a motor carrier should apply to the Florida State Highway Patrol for a special permit to move an article along the highway which would be too tall for the 2 $\frac{1}{4}$ -foot clearance.

C. Collateral Legislation

Enacted:

Railroad and Public Utilities Commission - Writs of Certiorari. H.B. 250, law without approval May 30, 1949, Chapter 25185. This act provides that petitions to the Florida Supreme Court to review the orders of the Florida Railroad and Public Utilities Commission shall be filed within sixty days after the issuance of such orders. S.B. 118 (same as H.B. 250), Died in Senate.

Enacted:- Local:

Pinellas Utility Board. S.B. 1103, law without approval June 13, 1949, Chapter 26152. This act amends the law establishing the Pinellas Utility Board by giving the Governor the power to make appointments to fill vacancies occurring between elections and by changing the date for the filing of annual reports by utilities.

Utility Franchises

Panama City. H.B. 1012, law without approval June 3, 1949, Chapter 26122 - provides for the submission of grant of franchise to a vote of the freeholders of Panama City.

Sarasota. H.B. 1530, law without approval June 13, 1949, Chapter 26218. Empowers the City Commission to grant a nonexclusive electric service franchise for a period not in excess of 30 years, subject to the rules and regulations of any utility board or commission hereafter created by the Legislature of Florida.

Lakeland. H.B. 1589, law without approval June 13, 1949, Chapter 25966 - provides for the granting of public utility franchises.

Fort Myers. S.B. 182, approved April 22, 1949, Chapter 25833 - provides for the submission of reports and the keeping of records by operators of a public utility.

Tallahassee. S.B. 794, law without approval June 13, 1949, Chapter 26247 - provides for the granting of exclusive franchises by the City of Tallahassee and pre-exempting the territory 3 miles around the city for service by such utilities.

Bonifay. H.B. 1326, law without approval June 13, 1949, Chapter 25694 - provides that the City Council of Bonifay is prohibited from entering into a new contract with any public utility without holding an election approving such a contract.

Utility Taxes

Jay. H.B. 1459, law without approval June 13, 1949, Chapter 25941 - authorizes the imposition of an excise tax upon sale of electric current, telephone services, etc.

Port Orange. H.B. 1474, law without approval June 13, 1949, Chapter 26173 - authorizes the imposition of a utilities service tax.

Daytona Beach. S.B. 983, law without approval June 13, 1949, Chapter 2577 - authorizes the imposition of a utilities service tax.

Utilities - Municipal Financing

Panama City. H.B. 480, law without approval May 12, 1949, Chapter 26118 - Panama City Revenue Bond Act.

Live Oak. H.B. 1117, law without approval June 13, 1949, Chapter 25987 - Live Oak Revenue Bond Act.

Jacksonville Beach. H.B. 1150, law without approval June 13, 1949, Chapter 25939 - authorizes the issuance of utilities revenue bonds for a combined utilities system.

Eustis. S.B. 861, law without approval June 13, 1949, Chapter 25822 - Eustis Revenue Bond Act.

Utilities Commission. H.B. 731, law without approval June 3, 1949, Chapter 26223 - amends law relating to the Sebring Utilities Commission to provide for exclusive supervision over municipal electric, gas and water utilities.

Municipal Utility Plant Extension. S.B. 795, law without approval June 13, 1949, Chapter 26243 - amends act authorizing City of Tallahassee to issue certificates of indebtedness for the purpose of extending and enlarging its electric plant and distribution system.

Failed:

Public Utilities Commission. H.B. 586, Died in House.

Public Utilities Commission - Violations. S.B. 399, Passed House, Died in Senate.

Escheat - Public Utility. H.B. 727, Died in House.

Public Utility Arbitration Laws. H.B. 1461, Died in House.

Utilities Service Tax. H.B. 1632, Died in House - this bill would have increased the state tax on the output of electric energy of all utility companies from $1\frac{1}{2}\%$ to $3\frac{1}{2}\%$.

Public Utility - Taxes. S.B. 214, Died in Senate.

Public Service Corporations. S.B. 125, Died in Senate.

Public Service Corporations Tax. H.B. 236, Died in House.

Telephone and Electric Companies. H.B. 893, Died in House.

Gross Receipts Tax. H.B. 303, Died in House.

Fuel Oil Tax. H.B. 218, Died in House. S.B. 85, Died in Senate. S.B. 158, Died in Senate.

License and Excise Taxes. S.B. 145, Killed in Senate.

Nonprofit Corporations. H.B. 983, Killed in House.

Microphotographic Records. H.B. 212, Died in House. H.B. 1312, Died in House.

Volusia Utility Board. H.B. 1324, Died in House.

Jackson County Utility Board. H.B. 1493, Passed House, Died in Senate.

Hillsborough County - Sale of Electricity. H.B. 1564, Died in House.

Municipal Corporations - Electricity. S.B. 350, Passed Senate, Died in House,

First Special Session - 1949
September 7 to September 24, 1949

This session was called by the Governor for the consideration of revenue raising legislation.

Collateral Legislation

Enacted:

Revenue Act of 1949. S.B. 17-X approved September 30, 1949. This act levies a 3% sales tax. Sales of electric power and energy are exempted.

Municipal Electric System. H.B. 182-X, law without approval October 4, 1949. This act authorizes the Town of Milton to acquire a natural gas distribution system and an electric light and power distribution system and to contract for a supply of natural gas and of electricity for such system.

Key West Utility Board. H.B. 31-X, law without approval October 4, 1949, appoints new members to the Key West Utility Board.

Gainesville - Utility Service. S.B. 20-X, law without approval October 4, 1949. This act authorizes the levy of taxes on the purchase of utilities services.

1949 IDAHO LEGISLATION

Final Report, Thirtieth Session: January 3 to March 4, 1949

Governor's Message

The following excerpt is taken from the January 4, 1949 message of Governor C. A. Robins to the legislature:

"I urge upon you approval of a Snake River Compact Commission which must reach agreement with the Commission of our sister State, Wyoming, relative to the waters of the Snake. Such a determination by compact will obviate much misunderstanding and perhaps litigation in the future."

A. Affirmative Program

No affirmative program of legislation was undertaken by REA borrowers in Idaho this year and no bills were introduced into the legislature.

B. Defensive Program

Electrical Contractors -- Licensing. H. B. 170 which would have amended Ch. 251 of the 1947 Idaho Session Laws by providing for the establishment of an electrical administrative board of eleven members to be appointed by the Governor; establishing standards for electrical wiring and to amend the existing provisions relating to inspection, etc., was withdrawn in the House.

S.B. 103 which also pertains to electrical contractors passed the Senate but died in the House.

H.B. 199 which pertained to electric codes passed the House but died in the Senate.

H.B. 312 which ^{prescribed} related to license fees for electricians died in the House.

C. Collateral Legislation

Taxation. H. B. 96 approved March 15, 1949 (Ch 248) amended Section 61-2201 of the Idaho Code Annotated by providing that the license tax on electricity shall apply to all electricity and electrical energy generated in the State of Idaho through or by means of water power with the exception of electricity generated or sold for use in manufacturing, mining, milling, smelting, refining, and processing. This act also required that monthly statements as to the number of kw hours subject to the tax be kept on file.

H.R. 352, a bill relating to taxation of public utilities, died in the House.

Flood Control. S.B. 156 approved March 12, 1949 (Ch. 185) amends Sections 41-2701 et seq. of the Idaho Code Annotated relating to the establishment of

2-Idaho Legislation

Flood Control Districts to provide for the enlargement and consolidation of Flood Control Districts. The law provides that the State Reclamation Engineer shall pass on and investigate all petitions for the consolidation of two or more flood control districts.

Snake River Compact Commission--H.B. 7, approved, January 28, 1949, Ch. 11, establishes a commission of ten members to represent the state of Idaho on a joint commission representing the states of Idaho and Wyoming for the purpose of entering into a compact respecting the use, disposition and control of the waters of the Snake River.

1949 Illinois Legislation

Final Report - 66th Session: January 5 to June 30 (July 1), 1949

A. Affirmative Program

No affirmative program of legislation was undertaken by REA borrowers in Illinois.

B. Defensive Program

Licensing of Electrical Contractors. H.B. 1708, Died in House.
This bill would have created the State Board of Electrical Contractors in the Department of Registration and Education. The Board would have been empowered to license and register electrical contractors; to prescribe qualifications for a license and to collect fees as prescribed. The bill also provides for judicial review of the decisions of the Board.

C. Collateral Legislation

Enacted:

Bonds - Electric Plants. H.B. 208, approved June 9, 1949.

This act amends various sections of Article 36 of the Revised Cities and Villages Act relating to the issuance of revenue bonds for the purpose of extending, improving or enlarging municipally owned electric light plants or gas plants.

Microfilmed Records. S.B. 631, approved August 2, 1949.

This act provides that when a book of original entry or any other record or document of original entry has been microfilmed, then such reproduction shall be deemed to be an original record, book or document for all purposes, including the introduction of evidence.

Failed:

Tax on sale of electricity. H.B. 782, Died in House.

This bill would have added a new section to the Revised Cities and Villages Act to permit the levying of a 3% tax upon persons engaged in the sale of electricity, etc., within the corporate limits of a municipality.

H.B. 13, Died in House. This bill would have amended the law relating to the tax upon persons engaged in the business of distributing, supplying, furnishing or selling electricity by providing for the reporting and crediting of payments of taxes imposed by municipalities.

H.B. 14 (similar to H.B. 782), Died in House.

H.B. 785, Died in House. This bill would have amended the law relating to the placing of a tax upon persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption and would have made it applicable to persons operating outside the corporate limits of all cities, villages and incorporated towns.

Occupation and Privilege Taxes. H.B. 949, Passed House, Died in Senate. This bill would have amended the Revised Cities and Villages Act to provide for the imposition of an occupation and privilege tax, including persons engaged in the conduct or operation of any public utility.

S.B. 565 (same as H.B. 949), Died in Senate.

Public Utilities Revenue Act. H.B. 121, Died in House. This bill would have repealed the Public Utilities Revenue Act.

Electricity--resale. H.B. 610, Died in House. This bill would have prohibited the resale of electricity or gas in cities with a population over 100,000 except at prices fixed by law and then only through a meter.

Public Utilities--rebates. H.R. 978, Died in House. This bill would have provided for the payment into a special State fund of all rebates which have not been collected by utility customers within a specified time after such rebates had been ordered by a court.

Department of Public Utilities. H.B. 748, Died in House. This bill would have amended the Civil Administrative Code of Illinois to create the Department of Public Utilities.

H.B. 749, Died in House. This bill would have amended the Public Utilities Act by transferring certain powers and duties to the Department of Public Utilities.

H.B. 293, Died in House. This bill would have amended the Public Utilities Act by providing that all administrative decisions shall be subject to judicial review pursuant to the provisions of the Administrative Review Act.

Mortgages. H.B. 194, Died in House.

This bill would have amended the law in relation to mortgages of real and personal property by requiring written releases for all mortgages for which full satisfaction has been received.

ILLINOIS

Excerpt from Message of Governor Adlai E. Stevenson to the Legislature, Jan. 10, 1949

.....I invite your attention to the Illinois Commerce Commission. It is regulating public utilities whose rates and charges now exceed two billion dollars a year. The five men who comprise the Commission have vast power, authority and responsibility. Because of the enormous volume of its work, the technical character of its proceedings, and the tremendous importance of its decisions, the qualifications of the men who serve as Commissioners are not alone the concern of a Governor but of the public and the utility companies alike.

Under existing legislation the men who are charged with these responsibilities are appointed by the Governor to serve for a two-year term. Their annual compensation is \$7,500. In ~~an~~ earlier years under the administration of Governors Dunne and Lowden the approach toward this important agency was somewhat different. In those days members of what was then more aptly called the Public Utility Commission received \$10,000 a year and served for a term of six years. The terms of the Commissioners were staggered to insure continuity and independence.

The importance of the work of the Commission has not declined in the intervening years, rather it has increased. Yet the system in Illinois is hardly conducive to indifference to the caprices of political fortune, nor is the compensation compatible with the responsibilities of the office.

I believe that the public will be better served by a Commission whose independence and continuity is increased by lengthened and staggered terms of office. And I further believe that to attract to this vital public service the character of men it deserves the compensation must more adequately reflect its responsibility.

1949 Indiana Legislation

Final Report - 86th Session: January 6 to March 7 (9) 1949

Governor's Message

The following excerpts are taken from the January 6, 1949 message of Governor Henry F. Schricker to the legislature:

"...I recommend that Chapter 341 of the Acts of the 85th General Assembly be repealed. This law is sometimes called the compulsory arbitration law and at other times as the "forced labor law." I have reached this conclusion only after weighing carefully the rights of the public as well as those of labor and public utility employees..."

"In contrast to forced arbitration, voluntary arbitration in disputes involving public utility service has distinct merit, provided the public is given the opportunity to hear the facts and ascertain the situation of the disputing parties before there is a cessation of utility services. Voluntary arbitration has been an American principle of procedure in these matters for many years and a violent infringement of this policy can only lead to serious resentment and trouble. In my prior administration, through the diligent efforts of the Division of Labor, conciliation was unfailingly successful, and this was accomplished without resorting to compulsory measures.....

"...As the public interest is paramount wherever utility service is involved, I believe provision for voluntary arbitration should be made by law. In substance, it should provide that before a strike or lockout in a public utility can occur, the dispute should be referred to a fact-finding panel, appointed by the Governor, and adequate information should be secured for the enlightenment of the public..."

"...One of the greatest centralizations of power ever given to the state government was granted under the provisions of Chapter 229 of the Acts of 1947. This law took away from the local assessing officials the power to assess millions of dollars of railroad and utility property that had always been under their jurisdiction.

"The power thus taken from the local units was transferred to the State Board of Tax Commissioners, with power to establish any reasonable means of assessment and to distribute all of the assessed valuations of the railroads and utilities in practically any manner they saw fit.

"Under its provisions a reduction of over \$40,000,000 in the assessed valuations of railroads has been granted to date. I am informed that if this law is permitted to operate to its fullest extent, an additional reduction of over \$200,000,000 in railroad and utility assessments can be made....

"I definitely recommend to the General Assembly the repeal of Chapter 229 of the Acts of 1947. I recommend the enactment of new legislation ~~for~~ for the assessment of railroads and utilities providing for a uniform and equal assessment of all railroad and utility property at the same ratio of assessments as other types of property within this state, and that such legislation shall provide for the return to the jurisdiction of local assessing officials, for assessment purposes, all of the local real estate and personal property formerly assessed by local assessors..."

A. Affirmative Program

Rural Electric Membership Corporation Act - H.B. 281, KILLED in House Committee. This bill would have amended the Rural Electric Membership Corporation Act by eliminating the presently existing limitation of \$100,000 valuation on acquisitions by Rural Electric Membership Corporations.

B. Defensive Program

The only legislation introduced which appeared to be inimical to the Indiana rural electrification program was H.B. 153, which related to the registration of electricians. This bill passed the House but died in the Senate.

C. Collateral Legislation

Enacted:

Corporations - Annual Reports - S. 76 approved March 7, 1949, Chapter 76. This act requires all corporations organized in the State of Indiana to file annual reports in the office of the secretary of state within thirty days after June 30 of each year. A filing fee of one dollar will be charged for each annual report.

Corporations - Not-for-profit - S. 77 approved March 7, 1949, Chapter 77. This act amends the section of the Indiana law, relating to corporations not for profit, pertaining to the holding of annual meetings and voting. S. 108 approved March 5, 1949, Chapter 80. This act amends the section of the Indiana law, relating to corporations not for profit, pertaining to the election of directors and to the operations of foreign not for profit corporations within the State of Indiana.

Utility Reserve Funds - S. 164, approved March 7, 1949, Chapter 153. This act provides for the establishment of a cash reserve fund to be created from the surplus earnings of municipally owned and operated utilities.

Taxation - Public Utilities - H. 345, approved February 28, 1949, Chapter 34. This act is entitled the "Public Utility Tax of 1949" and provides for the taxation of all property of public utility companies.

Mortgages - S. 104, approved March 5, 1949, Chapter 78. This act amends the law concerning the release of mortgages, judgments and other liens by corporations, by validating releases previously made by duly authorized corporation officers and officials.

S. 142, a bill relating to mortgage procedure, passed the Senate, Died in the House.

Microfilming - S. 179, approved March 8, 1949, Chapter 163. This act authorizes any business to reproduce its records on microfilm, or other photographic process and such record shall be treated as an original in all courts or administrative agencies for the purpose of its admissibility in evidence.

Failed:

Utilities

S. 72, a bill relating to utility regulation, Died in the Senate.

S. 215, a bill relating to utility rate procedure, Died in the Senate.

H. 59, a bill relating to municipal utilities, Passed the House, Died in the Senate.

H. 106, a bill relating to utility permits, Passed the House, Died in the Senate

H. 371, a bill relating to city owned utilities, Passed the House, Died in the Senate.

Farm Safety - H. 489 a bill relating to farm safety, Died in the House

H. 43, a bill relating to safety appliances, Died in the House.

1949 Iowa Legislation -- Final Report

Fifty-third Session: January 20 -- April 20 (26) 1949

A. Affirmative Program

Electric Transmission Lines - Eminent Domain. S.F. 254--died in the Senate; H.R. 289--died in the House. These identical bills would have amended Section 489.14 of the Iowa Code of 1946 by increasing from one to five acres the amount of land that may be condemned for the erection or construction of substations or power stations. The explanation appended to these bills stated that "one acre of land is insufficient for the construction and erection of the power stations now required to be built to furnish adequate service."

Rights-of-Way. H.F. 449, approved March 18, 1949, Chapter 227. This act provides that in the event of the sale of an abandoned channel or bed of any navigable stream, such sale shall be subject to the permanent right of a utility association, company or corporation to continue in possession of a right-of-way for its underground and aerial plant.

Taxation. S.F. 225--Passed Senate 29-16, died in the House. This bill, in part, would have amended the law relating to the retail sales tax by exempting the materials and equipment used in generating, transmitting or distributing through wires, etc., electricity, etc., intended to be sold at retail.

B. Defensive Program

Taxation--Electric Transmission Lines. S.F. 253--died in the Senate; H.F. 309--died in the House. These identical bills would have amended Sec. 437.1 of the Iowa Code by striking out the specific exemption of "co-operative corporations or associations which are not organized or operated for profit." The purpose of these bills was to put municipalities, co-operative corporations and associations and private utility companies serving farmers directly on an equal taxing basis and to encourage building additional lines to serve farmers. To this end the bill provided that all transmission lines of 14,000 volts or less serving rural or farm customers in unincorporated areas outside of cities and towns would be exempt from taxation.

Franchises--Electric Transmission Lines. S.F. 288--died in the Senate; H.F. 372--died in the House. These bills would have amended Sec. 489.20 of the Iowa Code of 1946 by requiring the complete construction within a two year period of any line for which a company has a franchise. Under present law construction of a portion of a transmission line is sufficient to keep the franchise in full force and effect for an indefinite period of time. The explanation of the bill states that this amendment would prohibit an electric company or cooperative from obtaining franchises beyond their capacity or intentions to construct. In deference to the labor and material shortage the Act would not have become effective until July 4, 1950.

Franchises--Notices. H.F. 321--died in House. This bill would have amended Sec. 489.4 of the Iowa Code of 1946 by providing that in addition to the publication of notice, in condemnation proceedings to build electric transmission lines, it would also be required that notice be given by registered mail.

Regulation of Utilities. H.F. 480--died in House. This bill would have established a commission to provide for the regulation of telephone, gas and electric companies. The commission would have: required that all companies file schedules of rates which must meet with the approval of the commission; provided for holding of hearings in connection with changes in rates; authority to prescribe a uniform system of accounts etc.; jurisdiction over disputes between utilities; authority to issue certificates of convenience and necessity, etc.

Utility Rates.--S.F. 454--died in Senate. This bill would have required all privately owned corporations engaged in the business of selling electrical energy, etc. to file a petition with the supreme court of Iowa whenever it proposes to increase rates. No increase in rates would be permitted until the court has held a hearing to determine the justification for any such change.

Regulation of Electricians. S.F. 194--died in Senate; H.F. 105--died in House. These identical bills would have provided for the regulation of the practice of electricians in Iowa. A State Board of Electricity would be established with full powers of licensing and inspection. In the explanation accompanying these bills it was stated that "Iowa had over an \$8,000,000 fire loss in 1947. Many lives were lost. Fire loss from electrical causes ranked third in number in the Fire Marshal's report. Fire loss is on the increase. Sixteen states have already adopted an electrical code."

C. Collateral Legislation

Flood Control and Water Resources. H.F. 2, approved March 31, 1949, Chapter 203; S.F. 11--died in the Senate. This act establishes the Iowa National Resources Council and prescribes its functions and duties.

Licensing of Plumbers etc. S.F. 394--died in Senate; H.F. 450--died in House. These bills would have provided for: the licensing of plumbers by the State; the adoption and enforcement of rules and regulations governing inspection, installation and supervision and authorizing the maintenance of uniform minimum standards etc.

Taxation. S.F. 297, approved May 18, 1949, Chapter 193: This law amends Sec. 423 of the Iowa Code of 1946 relating to the use tax by providing credit toward the Iowa use tax for taxes paid in another State on tangible personal property brought into Iowa. It also defines the phrase "readily obtainable in Iowa" to mean "kept in Iowa for sale or manufactured in Iowa for sale as distinguished from being obtainable by giving an order to an agent in Iowa for delivery from some point outside the State of Iowa."

Municipal Utilities. S.F. 146, approved April 13, 1949, Chapter 187; amends the law relating to the management of public utilities in special charter cities of less than 25,000 population by providing that such management shall continue regardless of change of population.

S.F. 268--died in House. Would have amended Sec. 397.32 of the Iowa Code of 1946 by providing that where a city or town was operating more than one public utility the compensation of each trustee should be \$300 per year.

S.F. 375--approved March 9, 1949, Chapter 269. Legalized and validated the proceedings taken by the city of Webster City, Iowa in authorizing and providing for the construction of extensions and improvements to its municipal electric light and power plant.

S.F. 382--approved March 14, 1949, Chapter 268 (same as H.F. 447-died in House). Legalized and validated the proceedings taken by the town council of Milo, Iowa, authorizing and providing for the construction, repair and improvement to its electrical transmission system.

S.F. 475--vetoed by the Governor, April 7, 1949. This act would have legalized the resolution of the City Council of RockRapids, Iowa in fixing the maximum rates that could be charged by the City to its customers for electric current.

Non-Profit Corporations. S.F. 55--died in Senate. This bill would have amended Sec. 504.2 of the Iowa Code of 1946 by providing that corporations organized under this section should have perpetual and unlimited duration unless dissolved by a vote of 3/4 of their members.

1949 KANSAS LEGISLATION

Final Report, 53rd Regular Session: January 11 to April 5, 1949

A. Affirmative Program

REA borrowers did not undertake the sponsorship of an affirmative program of legislation in Kansas this year, and therefore no affirmative legislation was introduced at the 1949 meeting of the legislature.

B. Defensive Program

Electrical Administrative Board.--H.B. 38 and S.B. 95, identical bills, would have provided for the creation of the Kansas Electrical Administrative Board. The bills provided for a board of five members to be made up of the following: (a) the state fire marshal; (b) one person qualified to be licensed as a journeyman electrician; (c) one person qualified to be licensed as an electrical contractor; (d) one person who is neither qualified to be an electrical contractor nor a journeyman electrician; and (e) one person who is a qualified electrical inspector for an incorporated city in the state. The board would have had the following duties: (a) the adoption of standards for electrical equipment and its installation; (b) provide for the examination for and the issuance of licenses to electrical contractors and journeymen electricians; (c) provide for the suspension or revocation of licenses, etc. The board would also appoint an electrical administrator and electrical inspectors to carry out the provisions of the law and such rules and regulations promulgated by the board as inspections of wiring, holding of examinations, issuance of permits, etc.

Both of these bills died in the respective houses in which they were introduced. (These bills appear to be similar to H.B. 53 which was introduced and died in the 1947 session of the legislature)

Presumption of Negligence.--S. B. 30, a bill providing that there shall be a presumption of negligence on the part of a person or corporation operating an electric transmission line in cases where a person or property is injured by such transmission line, died in the Senate.

Stringing Wires.--H.B. 195 would have amended Section 66-183 of the General Statutes of 1935 relating to the stringing of wires along or across public streets, highways or public places by adding a provision requiring that any such wires shall not be in violation of any zoning regulation of any airport owned or operated by a political subdivision of the state. This bill died in the House

The Kansas Federation of Rural Electric Cooperatives were active in the prevention of passage of the above bills.

C. Collateral Program.

Enacted:

Ordinances--Model (Electrical) Codes--S.B. 194, approved March 30, 1949, Ch. 124, provides that any city in Kansas may pass ordinances incorporating by reference certain kinds of standard or model codes and ordinances pertaining to plumbing, electrical wiring, gas fitting, building construction, etc.

2-1949 Kansas Legislation

Arkansas River Compact.—H.B. 153, approved March 7, 1949, Ch. 509, ratified the compact between Kansas and Colorado with respect to the waters of the Arkansas River.

State Corporation Commission Expenses.—S.B. 311, approved March 31, 1949, Ch. 341 amends Sec. 66-1503 of the General Statutes of 1935 by providing that in assessing operational costs against public utilities under the jurisdiction of the State Corporation Commission there shall be added an amount sufficient to satisfy any deficiency in the prior year's assessment and to provide for anticipated increases in necessary expenditures for the current fiscal year.

Franchises-Cities—H.B. 223, approved April 5, 1949, Ch. 119 amends Secs. 12-2001 and 12-2002 of the General Statutes Supplement of 1947 relating to the granting of franchises by Kansas cities by providing that cities may grant to any person, firm, corporation or partnership the right to use the streets in carrying on any business which is not prohibited by law wherein said business is primarily conducted on the streets of any city of the state of Kansas.

Failed:

Chattel Mortgages—H.B. 102, passed House, died in the Senate, would have eliminated the requirement that renewal affidavits be filed every two years in connection with chattel mortgages. The bill would have amended Sec. 58-303 of the General Statutes of 1935 to provide that renewal affidavits may be filed within two years after the final payment date fixed in the obligation for which the chattel mortgage is given.

Deposits with Public Utilities.—H. 118, died in the House, would have amended Sec. 12-622 of the General Statutes of 1935 to eliminate the requirement that public utilities accepting deposits from customers pay 4% interest per year on such deposits.

S. 346, Municipalities-Public Utility, was killed in the Senate.

H. 270, Eminent Domain—Public Utilities, died in the House.

H. 189, Non-profit Corporations, died in the House.

1949 Kentucky Legislation (Extraordinary Session)

Final Report - First Special Session: March 1 to March 30, 1949

A. Affirmative Program

Rural Electrification Act - Amendment. H.B. 9 approved March 30, 1949, Chapter 9. This act amends Section 279-130 of the Kentucky Revised Statutes to provide 35-year maturity period for loans (raised from 25 years.) S.B. 8 (same as H.B. 9), Died in Senate. [This legislation was sought by REA borrowers in Kentucky and was specifically included in the Governor's call of the special session of the legislature.]

B. Defensive Program

None

C. Collateral Legislation

None

1949 Maine Legislation

Final Report - 94th Session: January 5 to May 7 (8), 1949

Governor's Message

The following excerpts are taken from the inaugural address of Governor Frederick G. Payne, given before the legislature on January 5, 1949:

Quoddy and State Water Power Development

"Much as been said and even more has been written about Quoddy. This project has been brought into sharp focus by recent developments along the international scene and by power shortages. Discovery of mineral resources in areas close to this project re-emphasize the urgency that decision be reached with reference to development.

We must prepare ourselves for an hour of decision. With a Congressional study completed, three possibilities doubtless will present themselves. The Federal Government in cooperation with Canada may undertake the development as a joint project. Our Government may ask us to share in development costs or, in lieu of these possibilities, private development may be recommended.

The implications of Quoddy are too vital to be dismissed without due deliberation and study.

Development of hydro-electric power offers great industrial possibilities. Maine is the only New England state with any appreciable amount of undeveloped water power. We should encourage this development without delay, mindful of such projects as are already under way, or are being considered."

A. Affirmative Program

No affirmative program was undertaken by REA borrowers.

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Public Utility Rates - Suspension. S.B. 177 approved February 24, 1949, Chapter 16, Public Laws. This act amends section 34 of Chapter 40 of the Revised Statutes, 1944, by providing that the public utility commission may extend a suspension of rates for an additional period of five months should it find that it cannot complete an investigation into a proposed rate change within 3 months from the date of the initial suspension order.

Construction of Lines - Highways. H.B. 2049 approved May 2, 1949, Chapter 324, Public Laws. This act amends section 32 of Chapter 46 of the Revised Statutes, 1944, relating to the provision that requires companies or associations requesting permits for the construction of lines along highways to make such request in writing to the state highway commission. H.B. 1754 replaced by new draft, H.B. 2038. H.B. 2038 replaced by new draft, H.B. 2049.

Slash and Brush Disposal. H.B. 191 approved May 7, 1949, Chapter 363, Public Laws. This act amends sections 68 and 69 of Chapter 32 of the Revised Statutes, 1944, relating to the disposal of slash and brush cut from right-of-ways of electric power, telegraph, telephone, etc., lines.

Standards of Electrical Installations - Towns. S.B. 652 approved May 7, 1949, Chapter 376, Public Laws. This act adds new sections 82A to 82S to Chapter 88, Revised Statutes, 1944, which provide for the establishment by towns of standards for the installation of electrical equipment. Conformity to the "regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes, which have been approved by the American Standards Association, shall be *prima facie* evidence that such installations are ... safe." S.B. 619 replaced by new draft, S.B. 652.

Maine Public Service Company. S.B. 75, Chapter 78, Private and Special Laws. This act amends the Charter of the Maine Public Service Company to permit the building of a dam across the Aroostock River to permit the development of water power.

Quoddy Project Investigation. H.B. 1764, Chapter 197, Resolves of 1949. This resolve appropriates \$30,000 to be used for a preliminary investigation of the Quoddy project by the Joint International Boundary Commission.

Failed:

Public Utilities Commission. H.B. 368, Died in House. This bill would have provided for the payment of annual salaries to members of the Public Utilities Commission.

New England Development Authority. S.B. 639, Died in Senate. This ^{bill} act would have established the New England Development Authority in conjunction with the states of New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island. (This ^{bill} was introduced in the legislatures of each of the above states but was enacted only in Rhode Island)

Caribou Utility District. S.B. 144, Died in Senate.

Power Development. S.B. 517, Died in Senate. This bill would have related to maintaining water at fixed limits in power development.

Tax Exemption. H.B. 1016, Died in House. S.B. 447, Died in Senate.

Corporations Taxation. S.B. 446, Died in Senate.

Dams - Building. S.B. 518, Died in Senate

Plumbing. S.B. 228, Killed in Senate.

1949 Maryland Legislation

Session

Final Report - January 5 to April 4, 1949

A. Affirmative Program

No general legislation, supported by REA-financed cooperatives was introduced at this session of the legislature.

B. Defensive Program

Electric Transmission Lines. H.B. 551, Died in House. This bill would have required that no overhead transmission line or branch carrying a voltage of more than 15,000 volts or strung on poles or towers more than 40 feet in height shall be constructed unless the plans for such construction shall have been approved by the Public Service Commission. Approval could only be given after the holding of a public hearing and the showing that the proposed construction is necessary for public convenience and that there is no other reasonably available location for such line, or practicable method of laying such transmission line in underground conduits.

Public Utilities - Award of Contracts. H.B. 746, Died in House. This bill would have required that all public utilities, subject to the regulatory powers of the Public Service Commission, make purchases and award contracts, for amounts in excess of \$500.00, only by open bids after advertisement in the public press.

C. Collateral Legislation

Labor Disputes. S.B. 2, Died in Senate. This bill would have amended the law relating to the duties of the Commissioner of Labor in connection with the promotion of voluntary arbitration, mediation and conciliation of controversies by providing for the holding of elections in order to determine collective-bargaining representatives.

Public Service Commission - People's Counsel. S.B. 242 approved May 6, 1949, Chapter 675. This act amends the law relating to the operations of the People's Counsel before the Public Service Commission by providing that whenever he shall appeal an order of the Commission, he shall have the right and power to use the services of the experts and other employees of the Commission as well as the records and other facilities of the Commission.

Public Service Commission - Terms of Office, Salaries. S.B. 396 approved April 29, 1949, Chapter 474. This act amends the law relating to the terms of office and salaries of members of the Public Service Commission by raising the salary of the chairman to \$9,000 per annum and that of each of the other two commissioners to \$8,000. The salaries of the People's Counsel and the general counsel of the Commission are raised to \$5,500.

Public Service Commission - Increase of Membership. S.B. 162, Died in Senate. This bill would have increased the Public Service Commission from three to five members and required that members shall be selected to represent specified areas of the State of Maryland.

Public Service Commission - Increase in Rates. S.B. 416, Died in Senate. This bill would have repealed Section 372 of Article 23 of the Annotated Code of Maryland (1947 Supplement) which provides that the Public Service Commission may order a temporary increase or decrease in rates to a public service corporation pending the holding of a full hearing.

Town of Easton - Improvement of Electric System. S.B. 110 approved March 4, 1949, Chapter 68. This act authorizes the Town of Easton to borrow not exceeding \$250,000 to be used for the purpose of providing additional equipment and for making improvements, replacements and repairs in the electric system and plant of Easton. H.B. 760 approved April 29, 1949, Chapter 656. This act relates to the return on the invested capital of the municipal electric plant and the cash reserve funds of said plant.

Town of Centreville - Improvement of Electric System. S.B. 238 approved April 29, 1949, Chapter 448. This act authorizes the Town of Centreville to borrow not exceeding \$150,000 to be used for the purpose of providing additional equipment and for making improvements, replacements and repairs in the electric system and plant of Centreville.

Licenses - Construction Firms or Companies. H.B. 397, Vetoed by the Governor, April 29, 1949. This bill would have required the payment of an annual license fee of \$100.00 of every person carrying on the business of construction who does a gross business of \$20,000 per year.

Engineers and Land Surveyors. H.B. 627 approved April 29, 1949, Chapter 604. This act amends the law relating to the membership of the State Board of Registration for Professional Engineers and Land Surveyors.

Electrical Business - Baltimore County. H.B. 434 approved May 6, 1949, Chapter 733. This act amends the Public Local Laws of Baltimore County by empowering the County Commissioners to exercise general supervision and control over the conduct of the electrical business in the County. S.B. 130 approved May 6, 1949, Chapter 671. This act amends the Public Local Laws of Baltimore City relating to the membership of the Board of Electrical Examiners and Supervisors of Baltimore City. S.B. 301, Died in Senate. This bill would have amended the Public Local Laws of Baltimore City relating to the installation of electrical apparatus and wiring.

Board of Electrical Examiners. H.B. 617, Died in House. This bill would have established a Board of Electrical Examiners in Washington and Allegany Counties. S.B. 245. Vetoed by the Governor, May 6, 1949. This bill would have established a Board of Electrical Examiners in Charles County. (In vetoing this bill the Governor commented on the restrictive provision of requiring an electrician wishing to do work in Charles County to obtain a license pursuant to the requirements of this bill even though the electrician holds a license under another local law.)

Licenses. S.J.R. 15 approved April 22, 1949, Joint Resolution 11. This resolution requests the Governor to appoint a commission to study the laws of Maryland requiring licenses to engage in a trade or occupation. (The resolution points out that it now appears that a license obtained in one political subdivision of the State is not recognized in other political subdivisions and that it is the purpose of the study to eliminate unnecessary duplications and to facilitate the enjoyment of license privileges throughout the State.)

1949 Massachusetts Legislation

Final Report - Session: January 5 to August 31, 1949

A. Affirmative Program

None

B. Defensive Program

None

C. Collateral Legislation

Enacted:

Hydro-electric power study. H.B. 2466, adopted August 22, 1949.

This bill authorizes the Committee on Power and Light to sit during the recess of the General Court for the purpose of making an investigation relative to the advisability of the development of hydro-electric power and to authorizes the city of Holyoke to receive a license for a hydro-electric project on the Connecticut River.

Inspection of Wires. S.B. 730, approved July 11, 1949, Chapter 529.

This act amends Sec. 32 of Chap. 166 of the General Laws relating to the appointment and duties of inspectors of wires in cities, towns and districts.

Failed:

Hydro-electric power. S.B. 392, died in the Senate.

This bill related to a compact to be entered into with the United States and the other New England States providing for the development of hydro-electric power. This bill was superseded by H.B. 2466 which provided for a study by a committee of the legislature.

H.B. 2708, Died in House.

S.B. 749, Died in Senate.

Municipal utilities. H.B. 762, referred to the next annual session.

This bill related to the acquisition, construction, leasing, operation and financing of public utilities by any municipality.

S.B. 393 (same as H.B. 762), referred to next annual session.

S.B. 390 (similar to H.B. 762), referred to next annual session.

H.B. 1183 (similar to H.B. 762), referred to next annual session.

Utility rates. H.B. 588, referred to next annual session.

This bill would have provided that the rates of a public utility company not be raised unless legislation is passed granting the right to make such increases.

H.B. 1970 (similar to H.B. 588), withdrawn from House.

H.B. 993, Died in House. This bill would have required hearings to be held on the price of gas or electricity in the city or town affected.

H.B. 999 (similar to H.B. 993), Died in House.

S.B. 451 (similar to H.B. 993), Killed in Senate.

S.B. 17 (similar to H.B. 993), Died in Senate.

H.B. 1160, Died in House. This bill would have provided for the appointment of a special commission to investigate rates and finances of gas and electric companies.

H.B. 1610 (same as H.B. 1180), Died in House.

Electrical Appliances. H.B. 363, referred to next annual session.

This bill would have provided for forbidding electric companies from engaging in the business of selling electrical appliances.

Electricity - charges. H.B. 1865, withdrawn in the House.

This bill would have related to the charges to consumers for gas or electricity not used.

Electricity - regulation. S.B. 391, referred to next annual session.

This bill would have provided for the exemption of the manufacture, sale or distribution of electricity from regulation in certain instances.

Telephone rates. H.B. 1182, withdrawn in the House.

This bill would have related to the charges made by telephone companies for the installation and use of certain equipment.

S.B. 19 (similar to H.B. 1182), Died in Senate.

Telephone meters. H.B. 1869, withdrawn in the House.

This bill would have related to the installation of meters on telephones upon application of subscribers for such service.

1949 Michigan Legislation

Final Report --

Sixty-Fifth Session: January 5 to June 24, 1949

A. Affirmative Program

Corporations - H.B. 122, Passed House, Died in the Senate. This bill would have amended Section 39 of the Michigan general corporation act which relates to the manner of giving notice of meetings of shareholders and directors by providing that nonprofit corporations with membership in excess of 50 may give notice of meetings to its members by publication, if its bylaws so provide.

B. Defensive Program

State Electrical Administrative Board - S.B. 327, Died in Senate. This bill would have established a state electrical administrator board whose duties would have included: the establishment of minimum standards for electrical equipment and its installation; making provisions for statewide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors; the licensing of electrical contractors and journeymen electricians, etc. The bill would also have made it unlawful to undertake or perform the installation of electrical equipment without a license and to supply current to an illegal installation of electrical equipment.

C. Collateral Legislation

Enacted:

Cooperative Corporations - H.B. 451 approved May 31, 1949, Act 232. This law amends the Michigan general corporation act by adding cooperative corporations to the list of corporations excluded from the use of proxy voting in the election of directors (Sec. 32, Michigan Statutes Annotated, 21.32) and by adding (in Sec. 101, Michigan Statutes Annotated 21,102) the provision that the bylaws of cooperative corporations shall provide whether or not voting by proxy shall be allowed.

Public Utilities - Labor Disputes - S.B. 236 approved May 31, 1949, Act 230. This law amends the act creating the Michigan board for the mediation and arbitration of labor disputes and adds several new sections (13a to 13g) relating to labor disputes involving public utility employees. These sections provide that public utility employees shall be obligated at all times to bargain collectively and forbids employers to engage in lockouts or employees to strike before all procedures provided for under the act have been completed.

H.B. 232 (similar to S.B. 236) Died in House.

Public Utility - Capital Assets - S.B. 275 approved May 29, 1949, Act 207. This law amends the act relating to home rule cities by amending section 117.4e (Michigan Statutes Annotated 5.2078) by providing that in the sale of any capital asset of a municipally owned utility the money shall be used for the procurement of a similar capital asset or the retirement of bonds issued for the utility.

Chattel Mortgage - H.B. 187 approved April 7, 1949, Act 340. This law amends section 566.140 of the compiled laws 1948 (Michigan Statutes Annotated 26.929) relating to filing fees for chattel mortgages.

Photographic Records - S.B. 168 approved June 16, 1949, Act 304. This law provides that photographic or photostatic, etc. copies of business records shall be admissible in evidence in judicial or other proceeding and shall have the same force and effect as if it were the original document.

Sales Tax - S.B. 333 approved June 7, 1949, Act 272. This act provides for general amendments to the Michigan Sales Tax Act.

Use Tax - S.B. 339 approved June 7, 1949, Act 273. This act provides for general amendments to the Michigan Use Tax Act.

Plumbers - Licensing - S.B. 129 approved May 18, 1949, Act. 121. This law amends the Michigan plumbers licensing act in regard to the appointment and compensation of members of the board and to the license fees for journeymen plumbers.

H.C.R. 45 a resolution relating to the codification of the law relating to utilities was adopted on May 20, 1949.

H.C.R. 11 a resolution relating to the investments of utilities was adopted on February 18, 1949.

Failed:

Public Utilities - Rate Hearings - H.B. 333, Died in House. This bill would have required that in public utility rate hearings the order of the commission be withheld until all parties have been heard and all recommendations of the staff of the commission have been introduced at such hearings.

H.B. 390, Died in House. This bill would have amended the law to require that the commission shall not issue an order until after the holding of full hearings and that the order shall not become effective until 30 days after issuance. Further provision was made that copies of the recommendations of the commission be transmitted to the Governor and both Houses of the legislature and that the attorney general shall assign an assistant to represent consumers at such hearings.

Public Utilities - Rate Increases - H.B. 336, Died in House. This bill would have provided that the public service commission shall not grant any increase in the rates of any public utility for a period of one year.

Public Service Commission - Employment Disqualification - H.B. 334, Died in House. This bill would have amended the law to disqualify public service commission members and counsel from employment by public utilities for a period of two years.

H.B. 391, Died in House. This bill is the same as H.B. 334 except that it would make the period of disqualification three years.

Public Service Commission - H.B. 394, Died in House. This bill would have increased the membership of the public service commission to five members.

Corporations - H.B. 450, Passed House and Senate, Died in Conference. This bill would have amended Section 450.651 Compiled Laws, 1948 by adding cooperative corporations to the group of corporations to which this section does not apply.

Municipal Corporations - S.B. 41, Passed Senate. Died in House. This bill would have authorized intergovernmental contracts between municipal corporations for the furnishing of municipal services.

Chattel Mortgages - H.B. 62, Died in House. This bill would have amended 26.929, Michigan Statutes Annotated by requiring the filing of a certified copy of a mortgage and added a new section providing that any person who moves personal property covered by a chattel mortgage without keeping the mortgagor informed at all times, shall be guilty of a misdemeanor.

H.B. 113, Died in House. This bill would have amended Section 26.929 Michigan Statutes Annotated by exempting corporations conveying electricity (and other corporations) from the necessity of filing a chattel mortgage in each county in which mortgaged property is located. In lieu thereof such corporations would file a chattel mortgage in the office of the Secretary of State.

Engineers - Licenses - H.B. 114, Killed in House. This bill would have amended the Michigan law relating to the licensing and regulation of professional engineers, etc., generally and included landscape architecture under the covered professions.

1949 Minnesota Legislation

Final Report--Fifty-sixth Session: January 4 to April 20(25) 1949

Governor's Message

The following excerpts are taken from the inaugural address of Governor Luther W. Youngdahl delivered to a joint session of the Legislature on January 6, 1949:

"We must do all that we can, at the state level, to encourage good sanitation, electrical service, good roads to market and other means which will make for better living on the farm, and thus equalize opportunities for farm and rural areas . . . "

A. Affirmative Program

Cooperative Associations. H.F. 836 approved March 26, 1949, Chapter 199 makes the following changes in the Minnesota Statutes, 1945, relating to the organization and operation of cooperative associations: Sec. 303.05 is amended to eliminate the provision that indebtedness of cooperatives shall not exceed the limit of indebtedness fixed in the articles of incorporation; Sec. 303.06 is amended to eliminate the requirement that the articles of incorporation contain a statement of its debt limit; Sec. 303.07 is amended to eliminate the requirement that articles of amendment, increasing or diminishing the authorized capital stock, shall be filed and recorded in the office of the Secretary of State within 30 days after adoption. The section is further amended to provide that the association may commence business after 10% of the authorized capital stock has been subscribed (previous requirement 20%) and that the amount of capital stock outstanding shall not be reduced below 10% (previous requirement 20%); Sec. 303.09 is amended to eliminate the requirement that meetings of cooperatives, wholly or partially constituted of other cooperatives, shall be held at the location and at such times as is stated in the by-laws. This section is further amended to provide that special meetings may be called by a written petition of at least 20% of the stockholders (previous provision 10%); Sec. 303.10 is amended to change the quorum provisions to provide that for cooperatives having less than 500 stockholders 10% of the stockholders shall constitute a quorum and for cooperatives having more than 500 stockholders, 50 stockholders shall constitute a quorum; Sec. 303.11 is amended to eliminate the requirement that all officers be stockholders and directors and now provides that only the president and vice-presidents need be stockholders and directors; Sec. 303.12 is amended to provide that cooperative associations "may distribute net income in cash, credits, revolving fund certificates, or its own or other securities." S.F. 735 (same as H.F. 836), Died in Senate.

H.F. 158, approved March 18, 1949, Chapter 135. This law provides for the renewal of the period of corporate existence of corporations organized under the cooperative laws of this state and the corporations organized under any laws of this state which have conducted their business upon the cooperative plan. Period of renewal may be for 50 years and proceedings to effect such renewal must be

undertaken within 2 years after passage of this law. Section 2 validates all acts and contracts of the corporations complying with this act. S.F. 119 (same as H.F. 158), Died in Senate. S.F. 600 (same as S.F. 119), Died in Senate. H.F. 560 (same as S.F. 119), Died in House.

S.F. 658 approved April 12, 1949, Chapter 379. This law validates and legalizes any amendments to the articles of incorporation of a cooperative association, which amendments were adopted at special meetings called pursuant to a petition of stockholders and which were thereafter ratified by its board of directors and then filed in the office of the Secretary of State and recorded in the office of the Register of Deeds of the county of its principal place of business. H.F. 835 (same as S.F. 658), Died in House.

S.F. 724 approved March 21, 1949, Chapter 157. This law amends Sec. 303.09 of the Minnesota Statutes, 1945, relating to meeting of stockholders of cooperative associations. (The changes effected in the law are discussed above in the analysis of Chapter 199). H.F. 900 (same as S.F. 724), Died in House.

S.F. 955, Died in Senate. This bill would have amended Sec. 303.11, Minnesota Statutes, 1945, relating to board of directors and officers of cooperative associations.

H.F. 1322, Died in House; S.F. 1224, Died in Senate. Resolutions memorializing Congress to amend the Rural Electrification Act to provide for rural telephone loans.

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Cooperative Associations. H.F. 561 approved April 25, 1949, Chapter 652, provides for the filing of articles of amendment increasing or diminishing the authorized capital stock of cooperative associations organized under the provisions of Chapter 326, Laws of 1923. S.F. 725 (same as H.F. 561), Died in Senate.

Corporations. H.F. 264 approved March 18, 1949, Chapter 136, authorizes the renewal of the period of corporate existence of certain corporations not organized for pecuniary profit whose period of duration has expired. The law provides for the legalizing of the acts and contracts of such corporations performed subsequent to the expiration of the original period of existence.

Corporation Contributions. S.F. 661 approved March 21, 1949, Chapter 156, repeals Sec. 60.274 of Minnesota Statutes, 1945, and authorizes all corporations organized under Minnesota law to make contributions or gifts to charitable or fraternal organizations. S.F. 569 (same as S.F. 661), Died in Senate. H.F. 675 (same as S.F. 661), Withdrawn in House. H.F. 789 (same as S.F. 661), Withdrawn in House.

Chattel Mortgages. H.F. 524 approved April 20, 1949, Chapter 504, relates to fees for filing and satisfying chattel mortgages. S.F. 401 (same as H.F. 524), Died in Senate. H.F. 1444 (same as H.F. 524), Died in House.

Utilities - Taxation. H.F. 1557 approved April 21, 1949, Chapter 554, relates to the assessment of personal property of electric light and power companies having a fixed situs outside the corporate limits of villages, cities and boroughs, etc. S.F. 1149 (same as H.F. 1557), Died in Senate.

H.F. 1166 approved April 14, 1949, Chapter 447. This law provides for the annual tax levies for general corporation, water and light and other public utilities furnished by a municipally-owned water and light plant. S.F. 939 (same as H.F. 1166), Died in Senate.

Utilities - Villages. H.F. 1332 approved April 14, 1949, Chapter 422. This law defines and outlines the duties of the Water, Light, Power and Building Commission for certain villages. S.F. 1145 (same as H.F. 1332), Died in Senate. S.F. 1604 (same as H.F. 1332), Died in Senate. H.F. 1777 (same as H.F. 1332), Died in House.

Electricians - Licenses. H.F. 1157 approved April 15, 1949, Chapter 550. This law amends the act relating to the licensing of electricians by providing for the creation of a temporary Class B master electrician's classification and a temporary Class B journeyman electrician's classification. These classifications and licenses issued hereunder expire on December 31, 1951. S.F. 961 (same as H.F. 1157), Died in Senate.

Engineers - Registration. H.F. 773 approved April 20, 1949, Chapter 507. This law amends Section 326.10 of the Minnesota Statutes of 1945, relating to certificates of registration for architects and engineers.

St. Lawrence Waterway. S.F. 423 approved February 27, 1949, Resolution No. 3. A resolution of the Minnesota legislature memorializing the Congress to take prompt action to ratify the agreement between the United States and Canada for the development of the St. Lawrence waterway.

Failed:

Utilities - Municipal. S.F. 573 a bill relating to the extension of municipal utility services outside the city limits, died in Senate. H.F. 683 (same as S.F. 573), Died in House.

Missouri Valley Development. H.F. 1811, Died in House. A resolution of the Minnesota legislature memorializing Congress in connection with legislation concerning development of the Missouri Valley.

1949-50 Missouri Legislation

Final Report - 65th Session: January 5, 1949 to January 14, 1950

Governor's Message

The following excerpt is taken from the message of Governor John W. Bonner to the legislature:

"In 1944, the President signed Public Law No. 534 which put the Pick-Sloan Plan into effect. The purpose of this action was to promote closer cooperation among the states in the Missouri River Basin. Missouri is one of these states. . . . Missouri's largest problem in this mammoth program is to protect itself from an excess of water and to control and use it rather than to allow it to destroy our economy. . . . I am suggesting that the General Assembly give this most important subject careful and serious consideration and enact such legislation as may be necessary to carry to completion a program that so vitally touches so many Missouri citizens. . . ."

A. Affirmative Program

Enacted:

Rural Electric Cooperative Act. S.B. 93 approved August 3, 1949. This act amends Section 5388 of the Revised Statutes of Missouri, 1939, relating to the powers of a cooperative, by providing that where a cooperative is serving an area which is no longer a rural area because of an increase in population or because of inclusion of the area into a city, town or village, the cooperative may continue to serve the area until the municipality or the holder of the franchise to furnish electricity may purchase the physical property of the cooperative located within the boundaries of the municipality. In the event of failure to agree upon a fair and reasonable price for the property the Public Service Commission, upon application of one or more of the interested parties, shall fix the price for such property. (As originally introduced this bill amended Section 5388 to provide that a cooperative may continue to serve an area which because of an increase in population or other circumstances ceases to be a rural area. The bill also amended Section 5391 to provide that "five or more persons, all or some of which may be cooperatives, may organize a cooperative in the manner hereinafter provided," and Section 5395 to provide that each director must be a member of the cooperative or a member or manager of another cooperative which is a member thereof. These amendments were sponsored by REA borrowers. As reported from the Senate Committee on Agriculture on April 19, 1949, the bill was amended and taken up for perfection on April 28. The amendments to Sections 5391 and 5395 were dropped and the amendment to 5388 was changed to restrict the right of cooperatives to operate in areas which no longer are rural. The bill was further amended and reperfected on June 8, 1949 with the language outlined above.)

Failed:

Rural Electric Cooperative Act. S.B. 219, Died in Senate. This bill would have amended Sections 5391 and 5395 of the Revised Statutes of Missouri, 1939. This bill contained the amendments which were originally in

S.B. 93 (see above), and was strongly sponsored by the REA borrowers in Missouri. A hearing was held on this bill by the Senate Committee on Agriculture, at which about 100 members of the Missouri State Rural Electrification Association appeared in support of the bill. The Committee, after rejecting a proposed amendment by the private utilities to have the cooperatives placed under the jurisdiction of the Missouri Public Service Commission, voted 7 to 3 to report the bill favorably.

B. Defensive Program

State Electrical Board. H.B. 184, Died in House.

This bill would have established a State Electrical Board as a subdivision of the Labor and Industrial Inspection Department. The Board would have been given the authority to issue orders governing the installation of electrical wiring; provided for the examination and licensing of electrical contractors; provided for establishing standards of installation of electrical wiring; the appointment of electrical inspectors; etc.

Public Utility - Consumer Tax. H.B. 306, Died in House.

This bill would have added Section 5695.1 to the Revised Statutes of Missouri, 1939 to prohibit the Public Service Commission from permitting a public utility to pass on to its consumers any municipal franchise or occupation tax or license. The amendment would have required that all such taxes or licenses be dealt with in the same manner as other operating expenses of the public utility.

C. Collateral Legislation

Enacted:

Utilities - Abandonment. H.B. 392, approved July 11, 1949.

This act adds Section 6957a to the Revised Statutes of Missouri, 1939, providing that in order for a city of the third class to sell or dispose of any public utility which it may own, it must submit the proposition to an election. A majority of the votes cast at such election must be in favor of the proposition before any authority shall exist for such sale.

Public Utilities - Regulation. H.B. 2099, approved February 10, 1950.

This act repeals and reenacts six new sections of the Missouri code relating to the regulation of public utilities. Section 386.05 (5580) Commissioners, appointment - qualifications, etc.; Section 386.16 (5591) Salaries and Expenses; Section 386.32 (5619, 5667) General powers and duties - common carriers, railroads, telephone and telegraph corp.; Section 386.33 (5622, 5669) Investigations by commission; Section 386.36 (5641, 5661, 5683) Summary proceedings; Section 386.52 (5691) Writ of review.

Public Service Commission. H.B. 2104, approved February 10, 1950.

This act creates Section 392.13 which makes Section 5578, defining words, phrases and terms applicable to Section 5663 to 5632 (telegraph and telephone companies).

H.B. 2105 approved February 10, 1950. This act creates Section 392.12 which makes Section 5578, defining words, phrases and terms applicable to Sections 5644 to 5662 and 5684 (gas, electric, water and heating corporations).

H.B. 2165, approved February 14, 1950. This act amends and reenacts Sections 5645 to 5648 and 5659 of the Revised Statutes of Missouri, 1939, relating to the regulation of public utilities by the public service commission.

Failed:

Public Utilities - Labor Disputes. S.B. 8, Died in Senate.

This bill would have repealed the act of May 19, 1947 (p. 358-366, Missouri Laws, 1947, Vol. 1) relating to the mediation of labor disputes in public utilities; providing for the creation of a board of mediation; providing for the seizure and operation of public utilities by the State in order to insure continuous operation of public utilities, etc.

H.B. 30 (same as S.B. 8) Died in House.

H.B. 86, passed House, Died in Senate. This bill would have repealed the act of May 19, 1947 relating to mediation of labor disputes in public utilities and enacted a new bill in its place relating to the same subject.

Public Service Commission. H.B. 304, Died in House.

This bill would have added a new section to the Revised Statutes relating to the powers of the Public Service Commission by providing for the determination of the value of the property of a public utility for rate making purposes.

H.B. 305, Passed House, Died in Senate. This bill would have added a new section to the Revised Statutes relating to the powers of the Public Service Commission by providing for the ascertainment of the reasonableness of rates and charges made by any public utility.

H.B. 437, Died in House.

S.B. 251, Passed Senate, Died in House.

S.B. 253, Died in Senate.

Utilities - Taxation. H.B. 66, Passed House, Died in Senate.

This bill would have amended Section 11295 of H.B. 538 approved April 11, 1946 relating to the taxation of . . . telephone, electric power and light companies, electric transmission lines . . . by providing for determining the average rate of taxation for school purposes.

S.B. 83, Died in Senate. This bill would have empowered the board of directors of certain school districts (over 200,000 and less than 700,000 inhabitants) to levy and collect for school purposes excise taxes upon the use or consumption within such district of electric, gas and telephone service.

Municipal Utilities. S.B. 121, Passed Senate, Died in House.

This bill would have added a new section to the Revised Statutes (7477A) authorizing cities having a population under 6,000 to sell, dispose of, etc., any public utility owned by it.

S.B. 252, Died in Senate - relates to abandonment of utilities.

H.B. 430, Died in House.

Public Utility - Charges. S.B. 218, Died in Senate.

Public Utility - Rates. S.B. 231, Died in Senate.

Non-profit corporations. H.B. 144, Passed House, Died in Senate.

This bill would have enacted the "General Not for Profit Corporation Act."

Cooperative Companies. H.B. 2033, Died in House.

Plumbing Ordinances. H.B. 35, Died in House.

This bill would have authorized the Division of Health of the Department of Public Health to regulate the installation of plumbing, etc., to establish minimum qualifications for local plumbing inspectors; to promote the passage and enforcement of approved plumbing ordinances.

1949 Montana Legislation

Final Report - 31st Session: January 3 to March 3 (4), 1949

A. Affirmative Program

Electric Cooperatives - S.B. 63 approved March 2, 1949, Chapter 151. This act amends the Rural Electric Cooperative Act defining "rural area" to mean any area not included within the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of 3500 persons at the time of the passage and approval of the Rural Electric Cooperative Act in 1939. (Previous definition - 2500 persons)

B. Defensive Program

Electric Cooperatives - H.B. 347, Passed House and Senate, Vetoed by Governor March 9, 1949. This bill would have amended the Rural Electric Cooperative Act by providing that the principal and main office of the cooperative must be in the state and that its location might be changed by a two-third vote of the members voting at a regular annual meeting provided that notice of the proposed change had been given to the members at least ten days before the date of the annual meeting. (In vetoing this bill Governor Bonner stated that "This bill may tend to break the basic laws of our program of rural electrification. Thus far, the present laws have allowed a real program of rural electrification to prosper and I do not believe such a highly controversial bill should now become law." This legislation appears to have been introduced in order to block Montana 25 Sheridan County REA Co-op from removing its office from Westby to Mountain Lake.)

Electric Light and Power Poles - H.B. 421, Killed in House. This bill would have provided for the licensing of electric light and power poles located along state highways.

C. Collateral Legislation

Enacted:

Electrical Construction - H.B. 83, approved February 24, 1949, Chapter 45. This act amends the law relating to electrical construction in connection with protection of ground wires on poles and the space between arms on poles or appliances for high and low voltages.

Montana Resources Development Board - H.B. 435, approved March 3, 1949 Chapter 195. This act establishes the Montana resources development board which has the duty to conduct a survey of the industrial and business opportunities and other possibilities of development in the state and to aid in bringing new business into the state.

Plumbers - Licenses - H.B. 226, approved March 7, 1949, Chapter 203. This act establishes a state board of plumbing examiners with the duties of giving examinations and issuing licenses for master and journeyman plumbers.

Yellowtail Dam - House Memorial 1, Adopted. This memorial urges the introduction and enactment into law, by Congress of the necessary legislation authorizing sufficient appropriations to be provided the Bureau of Reclamation for the immediate construction of Yellowtail Dam, Big Horn County, Montana. The memorial lists the benefits to be derived from the construction of the dam in the form of water for irrigation and the production of about 712,200,000 kilowatt-hours of electrical energy annually. Senate Memorial 2 (same as House Memorial 1) Adopted.

Failed:

Electrical Energy License Tax - H.B. 152, Killed in House. This bill would have amended the law relating to the license tax on producers of electricity by providing for an increase to 1-1/2 percent of the tax on their gross sales.

Public Utilities - S.B. 128, Killed in Senate. This bill related to the filing of annual statements by public utilities.

County Resources Development Board - S.B. 64, Passed Senate and House, Vetoed by the Governor. This bill would have established county resources development boards in each county for the purpose of conducting surveys of the natural resources of each county and to encourage their development.

Publily Constructed Power Plants - House Joint, Memorial 8, Died in House.

1949 Nebraska Legislation

Final Report - 61st Session: January 4 to May 26, 1949

Governor's Message

The following excerpts are taken from the January 4, 1949 message of Governor Val Peterson to the Legislature:

"One of the finest privileges I have had as governor has been serving as a member of the Missouri River States and Missouri River Basin Inter-Agency Committees. . . . Through their meetings I have become familiar with the problems facing a region comprising one-sixth of the total area of the United States and containing one-seventh of its population. Recently the governors and representatives of the ten states which make up the Basin gave me the opportunity of further service by electing me as chairman of the Missouri River States Committee.

"We, in the Basin, are engaged upon the greatest undertaking of its kind in the history of the world. Compared to it, and I say without disparagement, the Tennessee Valley Authority development is a test tube experiment. Only one other project in the world begins to match it, and that is the development under way on the Volga River in Russia.

"This great program is no longer merely a blue print for the future, but is now well along toward accomplishment, as the Bureau of Reclamation and the Corps of Engineers are in the process of construction of projects which will bring the blessings of flood control, irrigation, navigation, better municipal water supplies, recreation, and quantities of low cost electricity to our people.

"No man is wise enough to see today the far-reaching implications of this program. Clearly its irrigation features will mean an increase of our farm population, and, inasmuch as it is estimated that two persons are needed in a city or town for each person of the farm, it will add to our urban population as well. The tremendous quantities of power which will be developed and the firming of navigation should prove attractive to industry and bring into this militarily strategically sound area, a welcome influx of industries which will help bring about a desperately needed better balance between agriculture and industry.

"No state has more to gain from the development of this plan than does ours. Many exceedingly important and beneficial projects are now under way in Nebraska and fortunately many more can be initiated without respect to some areas in which differences of opinion are so marked as to make immediate progress seemingly inadvisable, if not impossible. The program in Nebraska will be determined by Nebraskans."

A. Affirmative Program

Public Power Districts. L.B. 273 approved May 4, 1949, Chapter 196. This act furnishes an additional method for the creation of public power districts in Nebraska. It provides that electric cooperative corporations, organized under sections 70-701 to 70-738, Revised Statutes of Nebraska, 1943, may file a petition in the office of the Department of Roads and Irrigation for the creation of a public power district, showing the name, location, boundaries, nature of business, names of board of directors, authorization for dissolution of corporate existence of petitioner and transfer of all property to new district, etc. After receipt of petition the Department shall investigate and conduct a public hearing in connection with the formation of the district to determine that it is feasible and conforms to public convenience and necessity. Upon approval and issuance of a certificate the district shall then be a body politic and corporate and shall be governed by all the provisions of the Nebraska statutes which pertain to public power districts after their creation. Provision is also made for appeal to the courts from any decision of the Department of Roads and Irrigation.

Public Power Districts. L.B. 419, (Indefinitely postponed by the legislature by a vote of 19-17). This bill would have authorized five or more public power districts engaged primarily in the distribution of power to farmers to organize a public power district for generation and transmission purposes without having to follow the requirements of the present statutes for the submission of a petition signed by at least 15 percent of the qualified electors of the areas within the proposed district. This bill would have amended the present law to permit the creation of a generation and transmission district by having the petition signed by the officers of the public power districts, where such officers are duly authorized by resolution of the board of directors of their districts. The bill would have further amended the law to eliminate, respect to a district organized by the petition of five or more rural power districts, the requirement that no person shall be qualified to be a member of more than one district board of directors. (This bill was sponsored by the REA borrowers in Nebraska. Considerable opposition was developed by several of the public power districts who feared that REA borrowers would go into the generation and transmission field in competition to the present hydro-electric generating systems. This legislation was sought because of the short supply of power which had necessitated a rationing of electric energy last year. It was felt that presently existing sources and future plans were not sufficient to supply the needs of REA borrowers and that the enactment of this bill would have provided them with the means whereby they could solve this problem.)

B. Defensive Program

Public Power Districts.- Liability for Property Damage. L.B. 386, Killed by Committee. This bill would have provided that public power districts which have constructed lines pursuant to a right-of-way acquired by purchase or by eminent domain shall be liable for all damage to the property of the land owner on as adjacent to the right-of-way arising from the construction, operation or maintenance of lines.

Electrical Inspection and Licensing. L.B. 478, indefinitely postponed by Public Works Committee, March 30, 1949. This bill would have created the Nebraska Electrical Administrative Board and would have provided for the registration and licensing of electrical contractors and journeymen electricians. Further the bill would have provided for the appointment of electrical inspectors and required the inspection and approval of electrical installations and the charging of fees for such inspection.

C. Collateral Legislation

Enacted:

Electrical Energy - Sale. L.B. 466 approved April 23, 1949, Chapter 197. This law amends Section 70-403, Revised Statutes of Nebraska, 1943 by authorizing the imposition of penalties for delinquency in paying electric bills.

Public Power Districts - Vacancies. L.B. 241 approved March 26, 1949, Chapter 198. This law amends Section 70-610, Revised Statutes of Nebraska, 1943 by providing a method for filling vacancies on a ballot, for the election of directors of a public power district, occurring after the primary election has been held.

Public Power Districts - Employee Insurance Plans. L.B. 543 approved May 28, 1949, Chapter 199. This law amends Section 70-624, Revised Statutes of Nebraska, 1943, by authorizing the board of directors to establish an employee insurance plan.

Municipal Utilities - Employee Insurance Plans. L.B. 544 approved May 21, 1949, Chapter 29. This law amends Section 16-691, Revised Statutes of Nebraska, 1943 by authorizing the board of public works to participate in an employee insurance plan.

Public Employees - Group Insurance. L.B. 54 approved March 22, 1949, Chapter 132. This law provides for the withholding of money from the wages and salaries of public employees to provide for the payment of premiums for insurance in which said employee is participating.

Failed:

Eminent Domain. L.B. 385, indefinitely postponed. This bill would have provided an additional or alternative method of proceeding to condemn rights-of-way for electric lines by those districts or corporations or other bodies already authorized under existing law to condemn.

Sales and Use Tax. L.B. 234, Died in Committee. This bill would have imposed a 2% gross receipts tax on sales of electricity. It would have also been imposed on the sale of materials used in line construction. This bill would have applied to power districts and cooperatives.

State Income Tax. L.B. 300, Died in Committee. This bill would have provided for the imposition of an income tax. The bill provided for the exclusion of electric cooperatives "exclusively engaged in the manufacture or distribution of electric power for their members."

Public Utility Service. L.B. 18, Indefinitely postponed. This bill would have amended Section 16-685 and 16-686, Revised Statutes of Nebraska, 1943 to provide that electric service may be furnished by a city owned utility, within the corporate limits of another city upon the acquisition of a franchise for that purpose and that electric transmission lines may be operated 20 miles outside the corporate limits of the city.

Public Utilities Cities. L.B. 467, Died. This bill would have amended Section 16-676, Revised Statutes of Nebraska, 1943 by increasing to \$350,000 (from \$250,000), the amount that cities may borrow for the acquisition of public utilities.

Public Utilities - Cities. L.B. 377, Indefinitely postponed. This bill would have amended Sections 18-412 and 70-503, Revised Statutes of Nebraska, 1943 by providing that a vote of authorization by the electors of a city or village be required before issuing bonds for the re-establishment, extension, etc., of an electric light and power plant which has become obsolete.

Fair Employment Practice Act. L.B. 117, Indefinitely postponed. This bill would have established the Nebraska fair employment practices act with the powers and duties of enforcement placed in the Department of Labor.

Labor Relations - Collective Bargaining. L.B. 513, Killed. This bill would have amended various sections of Title 48 of the Revised Statutes of Nebraska, 1943 relating to the Court of Industrial Relations by changing it to the Industrial Relations Commission and prescribing its functions and duties.

1949 Nevada Legislation

Final Report --

Session : January 17-March 17 (27), 1949

Governor's Message

The following excerpt is taken from the message of Governor Vail Pittman to the Legislature:

"The power study for the entire state, which is being conducted by the Colorado River Commission through the State engineer, in cooperation with the Federal Power Authority, should be completed sometime within this month. This should be a valuable guide in determining what plan of action should be taken, looking to the obtaining of cheap electrical power for the state of Nevada...."

A. Affirmative Program

Power Districts. A. B. 31 would have amended the Power District Act by adding a new section which would have permitted any power district to use its facilities for the purpose of transmitting power beyond the boundaries of the state without impairing any rights or privileges conferred by law upon the power district. The bill died in the Assembly. (This legislation was sought in order to insure that power districts would not lose their tax exemptions. It was needed chiefly for the benefit of the Lincoln and Overton Public Power Districts from which the Littlefield Electric Cooperative of Littlefield, Arizona, was seeking power.)

A. B. 295, approved March 28, 1949, Chapter 221 amends the Power District Act by providing that the government of a power district may be vested in a board of 3, 5 or 7 directors to be elected by the qualified electors of the district. The optional provisions relating to the election of directors is limited to those counties in which the total vote cast for the office of representative in Congress was more than 5,000.

B. Defensive Legislation

None.

C. Collateral Legislation

Failed.

Nevada Power Authority - A.B. 360, Passed Assembly. Died in the Senate. This bill would have established a power authority of five members to be appointed by the Governor. The authority would have the duty of representing the State of Nevada in matters relative to the consideration and development of federal reclamation and power projects undertaken in connection with Nevada rivers or Federally operated dams in the State of Nevada.

Municipal Utilities- AB. 233, Passed Assembly, Died in the Senate. This bill would have authorized cities, towns and unincorporated towns to construct, acquire, extend, or improve revenue - producing public utilities.

A.B. 298 - Passed Assembly, Died in the Senate. This bill would have granted cities the power to require franchises from any public utility operating within the boundaries of such cities.

2-1949 Nevada Legislation

A.B. 151 - Died in the Assembly. This bill would have amended the act providing for the organization and governing of local improvement districts for the construction or acquisition of power plants, electrical transmission lines, etc., by amending section 40 of said act relative to notices by publication.

S.B. 131. A bill relating to the operation of municipal utilities passed the Senate and was killed in the Assembly.

Failed.

Public Service Commission - S.B. 67, approved March 29, 1949, chapter 207. This law amends the act creating the Nevada Public Service Commission by increasing the salaries of the commissioners and employees of the commission and eliminating the requirement that all hearings of the commission be held in Carson City unless otherwise ordered by resolution of the board of examiners.

Nonprofit Corporations - S.B. 150, approved March 29, 1949, Chapter 312. This law amends the act providing for the organization, management and conduct of nonprofit corporations by requiring such corporations which authorize the issuance of capitol stock to pay a filing fee.

Nonprofit Corporations - S.B. 101, approved March 29, 1949, Chapter 242. This law provides for the formation of nonprofit corporations for the purpose of engaging in activities for the advancement of civic, commercial, industrial and agricultural interests of the State of Nevada, or any city, town or county therein.

Corporation Law - S.B. 136 approved March 22, 1949, Chapter 121. This law amends and clarifies the general corporation law of 1925, as amended by providing: that corporations shall have the power to issue rights or options in connection with the sale of stock; that corporations may reduce its capital and setting forth the procedure for doing same; that dividends may be paid out of the excess of assets over liabilities, etc.

Failed.

S.B. 151, Died in the Senate, would have increased the penalty for failure to file the corporate list of officers and would have required defaulting corporations to correct the default before papers concerning the same may be filed.

Licensing of Contractors - S.B. 102 - Passed Senate, Died in the Assembly;
A.B. 12 - Died in the Assembly - These bills would have amended the act relating to the state contractors' licensing board by providing: that the governor might remove any member of the board for misconduct, incompetency or neglect of duty; additional qualifications to be met by applicants for licenses and by requiring the payment of application fees.

Plumbing - A.B. 39, a bill relating to the regulation of plumbing died in the Assembly.

Failed.

Engineers Registration - S.B. 167, approved March 29, 1949, Chapter 315 amends the act relating to the functions and duties of the state board of professional engineers by providing: that members of the board shall not be reappointed until one year has elapsed between terms of office; a definition of the term "engineer - in - training;" a schedule of fees to be charged all applicants; that the written examination will consist of a two-day test; etc.

3-1949 Nevada Legislation

Chattel Mortgages - S.B. 63 approved March 29, 1949, Chapter 232. Amends Section 925, 1925 Nevada Compiled Laws relating to the attachment of personal property taken under execution issued at the suit of a creditor of the mortgagor.

Microfilming - A.B. 108, approved March 18, 1949, Chapter 91, amends the act relating to procedure in civil cases to provide for the admissibility of microfilms or photostatic copies of records.

A.B. 112, approved March 15, 1949, Chapter 65, amends act relating to recording of instruments in the offices of the various county recorders by providing for the microfilming or photostating of instruments and records filed in the office of the county recorder and for the filing of a microfilm or a photostatic record in any other county of the state.

Elko Lamoille Power Company - A.B. 109, Approved March 8, 1949, Chapter 37. This law amends the act granting a franchise to the Elko Lamoille Power Company by extending the franchise for an additional period of fifty years.

Power and Flood Control Facilities - Virgin River - A.J.R. 25 approved March 29, 1949, Resolution 24. A memorial to Congress by the Nevada legislature urging construction of a dam on the Virgin River in Mohave County, Arizona by the United States in order to provide flood control protection, water for irrigation and hydro-electric power.

1949 New Hampshire Legislation

Final Report - Session: January 5 to July 27, 1949

A. Affirmative Program

None.

B. Defensive Program

Electricians - Licensing. H.B. 412, Killed in Senate. This bill would have created a State Board of Examiners of Electricians with the powers to hold examinations for and to issue licenses to master electricians and journeymen electricians. The bill would have required that everyone engaged in the "business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances" be "qualified." Section 7 of the bill provided for exemptions to the transmission and distribution lines of municipal electric plants and systems, public utilities and railroads but did not include the systems and plants of electric cooperatives. This bill was considered to be objectionable because of the possibility that it would lead to the development of monopolies in rural areas in the field of electrical installation which would lead to increases in the cost of such installations.

C. Collateral Legislation

Enacted:

Municipal Utilities. S.B. 100 approved June 29, 1949, Chapter 271. This act provides that any plan by a town, village district or precinct to acquire, construct or reconstruct a public utility shall be submitted to the public service commission upon the written application of fifty or more qualified voters or one-fourth of the qualified voters of said town. The public service commission shall hold hearings and its findings shall be published.

Public Utilities. H.B. 195 approved March 1, 1949, Chapter 36. This act amends Chapter 294 of the Revised Laws by adding Section 22a which permits public utilities to cross state lands for the purpose of furnishing facilities to the state, or any department or agency thereof.

Public Utilities. S.J. 2 approved July 23, 1949. This resolution establishes an interim commission to study the laws of the state pertaining to public utilities. The findings and recommendations of the commission are to be made to the next regular session of the legislature. chs 359

Corporation Filing Fees. H.B. 519 approved June 22, 1949, Chapter 265. This act amends the law relating to corporation filing fees. Section 6, Chapter 273 of the Revised Laws relating to cooperative marketing associations is amended by increasing the fee for filing certificates of organization to \$20 and for filing an amendment thereto to \$5.

Photographic Records. H.B. 185 approved July 14, 1949, Chapter 281. This act amends Chapter 392 of the Revised Laws by adding new sections 36 and 37 which permit the admissibility in evidence of photographic copies of records and documents.

Filed:

Public Utilities. S.B. 12, Killed in Senate. This bill would have established a rate of return on investments in electric, telephone and telegraph public utilities. It would have provided that a rate of return of $4\frac{1}{2}\%$ or less shall be presumed reasonable and $5\frac{1}{2}\%$ or more shall be presumed unreasonable.

Public Utilities. H.B. 148, Killed in House. This bill would have prohibited public utility corporations from selling merchandise not connected with its general business.

Public Utilities. H.B. 323, Killed in House. This bill would have established a joint legislative committee on public utilities with the duty of considering all matters concerning public utilities.

Public Utilities - Cutting Trees. H.B. 178, Killed in House. This bill would have required that the approval of the tree warden be obtained before cutting any trees within the limits of any public highway for the purpose of erecting or maintaining poles or structures or installing wires.

Public Service Commission. S.B. 75, Killed in House.

Municipal Utilities. S.B. 136, Killed in House.

Water Resources Board. H.B. 95, Died in House. This bill would have amended Chapter 266 of the Revised Laws by adding a new section relating to the authority of the Water Resources Board to develop water power sites for the generation, sale and transmission of hydro-electric power.

Merrimack River Valley Power Authority. H.B. 22, Killed in House. This bill would have created the Merrimack River Valley Power Authority for the purpose of improving navigation in the Merrimack River and for industrial development. This would have included the authority to construct, maintain, and operate such power plants and other structures needed for the production of power or electricity.

* New England Development Authority. H.B. 497, Died in House.

Licensing Plumbers. H.B. 295, Killed in House.

Power Development Study. CCH H.R. 8, Died in House.

Hydro-electric Power. CCH H.R. 11, Died in House.

Utility Rates. CCH S.R. 3, Died in Senate.

St. Lawrence Waterway. H.J. 17, Died in House.

Wilder Dam. S.J.R. 1. This resolution requests that the pool level of the Wilder Dam be restricted to no higher than 380 feet above sea level.

→ New England Development Authority - H.B. 497, Died in House.

This bill would have established the New England Development Authority in conjunction with the States of Maine, Massachusetts, Connecticut, Rhode Island and Vermont. (This bill was introduced into the legislatures of each of the above states but was enacted only in Rhode Island.)

1949 New Jersey Legislation

Final Report - 173rd Session: January 11 to April 8, 1949

First Special Session, 1949: May 31 to June 15, 1949

A. Affirmative Program

No affirmative program was undertaken in New Jersey.

B. Defensive Program

Chattel Mortgages - Recording. A.B. 269, Died in Assembly. This bill would have amended the existing law by requiring that chattel mortgages be re-recorded at the expiration of three years and that thereafter they may be re-recorded for a period of one year, and thereafter for additional periods of one year.

C. Collateral Legislation

Enacted:

Public Utility Bonds. S.B. 193 approved April 20, 1949, Chapter 37. This act amends the Banking Act of 1948, governing investments by savings banks in public utility obligations.

Corporations - Stockholders Meetings. A.B. 227 approved May 11, 1949, Chapter 91. This act amends the corporation law to permit stockholders to authorize the directors of a corporation to fix the place at which stockholders meetings may be held in municipalities outside of New Jersey.

Corporations - Contributions. A.B. 102 approved May 20, 1949, Chapter 171. This act amends the corporation law by permitting corporations to increase the amount of their contributions for charitable or philanthropic purposes.

Acknowledgments. A.B. 56 approved May 28, 1949, Chapter 279. This act amends the law relating to acknowledgments and proofs of deeds and other instruments to conform to the constitution of 1947.

Public Utilities - Labor Disputes. S.B. 4 (1st Special Session), approved June 16, 1949, Chapter 303. This act amends the law providing for collective bargaining in labor disputes involving public utilities by providing standards to guide the Board of Arbitration in making its findings and determination. (This act was passed to correct the deficiency which the Courts found in the earlier legislation. Under the provisions of this act all the law in this field shall become inoperative after March 31, 1950. It is expected that the 1950 session of the Legislature will enact an entirely new law based upon consultations and conferences with the Institute of Management and Labor Relations at the State University, representatives of labor and management in public utilities and representatives of the public).

Failed:

St. Lawrence Seaway. A.C.R. 12 filed April 8, 1949. This resolution expresses the opposition of the New Jersey Legislature to the St. Lawrence Seaway.

Labor Relations Board. S.B. 165, Died in Senate. This bill would have created the New Jersey Labor Relations Board. A.B. 242 (same as S.B. 165), Died in Assembly.

Public Utilities - Labor Disputes. S.B. 174, Died in Senate. This bill would have repealed, in its entirety, the presently existing law relating to labor disputes in public utilities. A.B. 66 (same as S.B. 174), Died in Assembly.

Municipal Public Utilities. A.B. 121, Died in Assembly. This bill would have amended the existing law relating to the prohibition against municipal utilities serving persons located outside the corporate limits of the municipality by exempting those municipalities which were so engaged prior to March 27, 1917.

A.B. 422, Died in Assembly. This bill would have amended the existing law relating to the prohibition against municipal utilities serving persons located outside the corporate limits of the municipality by removing the requirement of payment of taxes.

Engineers License. A.B. 186, Died in Assembly. This bill would have required the State Board of Engineers and Land Surveyors to issue licenses, without examination, to graduate engineers with a record of four years of active practice, who have honorable discharges from the armed services of the United States.

Public Utility Commission. A.B. 295, Died in Assembly. This bill would have extended the terms of office of the present members of the Commission and established a nine-year term for future Commissioners.

Plumbing Code. A.B. 440, Died in Assembly. This bill would have authorized the State Department of Health to prepare a standard plumbing code for the State of New Jersey.

Administrative Procedure Act. S.B. 217, Died in Senate. This bill would have enacted a State Administrative Procedure Act to govern the practice and procedure of administrative agencies.

1949 New Mexico Legislation

Final Report - Nineteenth Session: January 11 to March 12, 1949

A. Affirmative Program

Electrical Licensing and Inspection: H.B. 256 would have repealed the 1939 electrical licensing and inspection law. Repeal had been unsuccessfully sought in previous sessions of the Legislature. The bill died in the House.

Rural Telephones. S.J.M. 16 memorialized the Congress to enact Federal rural telephone legislation. The bill died in the Senate.

B. Defensive Program

Commission Jurisdiction. H.B. 252 would have amended the definition of "public utility" to remove the existing exemption of electric cooperatives and to replace it with the provision giving the Public Service Commission jurisdiction over the electric cooperatives to the extent of granting, regulating and enforcing certificates of public convenience and necessity in connection with the construction, operation and enlargement of plants "in an area already occupied by a central service station furnishing electric current to all or any part of said area," and further providing the granting of such a certificate shall be a prerequisite to such construction, operation or enlargement by a corporation so formed when these conditions are found to exist. This bill was vigorously opposed by the New Mexico electric cooperatives and was defeated in the House by a vote of 33-10. While the 1939 Rural Electric Cooperative Act specifically exempts cooperatives from the jurisdiction of the State Commission, the effect of enactment of H.B. 252 would have been to repeal this exemption to the extent provided by this bill. Previous attempts to obtain enactment of legislation of this type in New Mexico have failed.

Limitation on Period of Franchise. S.B. 3 approved February 18, 1949, Chapter 8, amended Section 72-103 of the New Mexico Compiled Statutes of 1941 relating to the granting to public utility companies by the County Commissioners of authority to install poles and wires, etc., on public highways, streets and alleys of unincorporated towns by limiting the period of such franchise to not more than 25 years. A similar limitation was imposed upon franchises granted by municipal authorities or incorporated cities and towns. Previously there had been no limitation upon the duration of franchises since the authority conferred upon cooperatives by the Rural Electric Cooperative Act in respect to public highways, etc., is subject to the requirement imposed by local authorities upon public utility companies. This limitation is effective with respect to franchises granted the electric cooperatives.

C. Collateral Legislation

Enacted:

Electrical Licensing and Inspection. H.B. 231 approved March 17, 1949, Chapter 166, amended certain of the administrative requirements of the electrical licensing and inspection law relating to contractors bonds, eligibility for licenses and license fees. H.B. 109 approved March 12, 1949, Chapter 59, exempted servicing and minor repairs of electrical appliances by appliance dealers from the provisions of the electrical licensing and inspection law.

Plumbing Licensing and Inspection. S.B. 194 approved March 17, 1949, Chapter 145, established a State Plumbing Administrative Board with authority to adopt standards, license master and journeyman plumbers and provide for the inspection of plumbing installations.

Municipal Utilities. H.B. 219 approved March 14, 1949, Chapter 78, amended Section 14-3503 of the New Mexico Compiled Statutes of 1941 to provide specifically for the use of net income required over and above debt requirements on revenue bonds to be used to pledge revenue for the acquisition, construction, extension, etc., of gas works or electric utilities. This section previously did not include provision for use of excess revenues of municipally owned electric utilities or gas works as a pledge for the repayment of joint revenue bonds.

River Compacts. H.B. 88 approved February 9, 1949, Chapter 6, ratified the Pecos River Compact between the States of New Mexico and Texas. S.B. 30 approved February 2, 1949, Chapter 5, provided for ratification of the Upper Colorado River Basin Compact between the States of Arizona, Colorado, New Mexico, Utah and Wyoming.

Fair Employment Practices Act. S.B. 45 approved March 17, 1949, Chapter 161, provides for the creation of the State Fair Employment Practices Commission in the Executive Department. The commission is empowered to carry out the public policy of the State, to foster the employment of all persons in accordance with their fullest capacities, regardless of their race, color, religion, national origin or ancestry, and to safeguard their right to obtain and hold employment without discrimination. The commission may establish and maintain offices.

New Mexico Economic Development Commission. H.B. 9 approved March 14, 1949, Chapter 69. This act establishes the New Mexico Economic Development Commission whose duties include the collection of information regarding the economic opportunities and possibilities of the State of New Mexico, including raw materials, mineral and fuel resources, power and water resources, etc.

Failed:

Contractor's Licensing. H.B. 23 would have repealed the contractor's licensing law. Died in the Senate. S.B. 221 which would have amended the contractor's licensing law by providing that applicants for license deposit \$5,000 surety bond conditioned upon faithful performance of contracts secured, Died in the Senate.

Municipal Utilities. H.B. 84 which would have repealed Chapter 82 of the 1943 Session Laws requiring an election before a municipality could issue bonds for the construction of utilities and requiring that the cost of the construction of such be approved by the Public Service Commission, failed in the House. This bill would have applied to existing utilities or to extensions thereof. H.B. 223, which died in the House, would have amended Section 14-3523 of the New Mexico Statutes to eliminate provision for sinking funds in connection with municipal utility bonds.

Workmen's Compensation. H.B. 304 and S.B. 220, companion bills, would have amended Section 57-907 of the New Mexico Statutes which provides a 50% decrease in compensation for failure of workmen to use safety devices and a 50% increase for failure of an employer to provide safety devices. These bills would have required that there be wilful failure on the part of the workmen and negligence on the part of the employer before the penalty would be incurred. Both bills failed of passage.

D. 1951 Program

Tax Legislation. New Mexico cooperatives are now exempt from payment of excise and income taxes under provisions of the Rural Electric Cooperative Act. Under this exemption they are not required to collect at source the use tax from consumers. However, the cooperatives are considering support of legislation which would require payment by their members of the use tax and its collection by the cooperatives. The cooperatives are also considering tax legislation which would stabilize their ad valorem tax basis. At present they are operating on the basis of an understanding whereby taxes are paid on the basis of an agreed valuation. There is a question of constitutionality of any legislation which would substitute the gross receipts or other type tax for ad valorem taxes. This question as well as the use tax is scheduled for expression and discussion at a State meeting to be held September 16, 1949.

The extent to which the electrical licensing and inspection laws are burdensome upon the electric cooperatives should be appraised for the purpose of determining whether repeal legislation should be sponsored in the 1951 Session. Some consideration has been given in the past to sponsorship of legislation imposing a limitation upon acts involving rights-of-way. Such a bill was introduced in the 1943 Session but failed of enactment because of misunderstanding of the purpose of the bill by members of the legislature. A similar appraisal should be made of the operation of a contractor's licensing law with respect to the rural electric cooperative for the purpose of determining whether examination or other relief should be sought.

Reintroduction of legislation removing cooperative exemption from Public Service Commission jurisdiction, in whole or in part, may well be anticipated. Appropriate steps should be taken to bring to the consideration of members of the Legislature the nonutility nature of the electric cooperatives prior to the convening of the 1951 Session.

1949 New York Legislation
Final Report - 172nd Session: January 5 to March 30, 1949

Governor's Message

The following excerpts are taken from the January 5, 1949 message of Governor Thomas E. Dewey to a joint session of the legislature:

St. Lawrence Power Project

"The plans for the construction of the St. Lawrence Power Project, approved by the U. S. Army Corps of Engineers, have been in existence since 1941, yet the unbridled power of this great river still flows wastefully to the sea. The State of New York is suffering from a power shortage. We are presently required to obtain from the Province of Ontario over 2,000,000,000 kilowatt hours a year to maintain existing production. Meanwhile, Ontario, itself, is in such dire need for this power that its people have been required to resort to brown-outs and night operations to avoid normal peak loads.

"To each new session of Congress there has been presented a bill to make possible the development of the St. Lawrence. Conflicting interests have repeatedly made the passage of such a bill impossible. I have always favored the full development of the St. Lawrence Seaway and will continue to support any program which respects the agreed rights of our State.

"But, meanwhile, the power can be developed without reference to the Seaway and, let me emphasize, without impeding it when and if it is approved by the Congress. Accordingly, last year, New York State attempted to go ahead under the terms of the existing Boundary Waters Treaty between the United States and Canada. The Power Authority of this State has applied to the Federal Power Commission for approval, and to the United States Department of State to transmit its application to the International Joint Commission.

"Again the needs of the people of this State have been disregarded. The State Department has refused even to transmit the application of the State of New York.

"Power in human terms means many things. It means new business, new employment and greater prosperity. It means the extension of the modern conveniences of life to rural areas. It means a greater number of labor-saving appliances in every home. These benefits are being denied the people of the State of New York without valid reason.

"Your Honorable Bodies can take the following steps to assist in clearing the way for action when and if Federal cooperation can be procured.

"First, the law under which the New York State Power Authority acts should be improved by relaxing the requirement that the Power Authority must have firm contracts for the sale of its power before issuing any bonds.

"Second, the Authority should be empowered to construct transmission lines where necessary to bring this great supply of power to the load centers."

A. Affirmative Program

No affirmative program was undertaken by REA borrowers.

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.
Submitting corporations (form Q?)

C. Collateral Legislation

Enacted:

State Power Authority. S. 9, approved April 16, 1949, Chapter 612. This act amends the public authorities law in relation to the powers and duties of the power authority of the State of New York by removing the requirement that the Authority have firm contracts for the disposition of its power before it could issue bonds and by authorizing the Authority to construct or lease transmission lines to be used in delivering power to load centers.

(This amendment was passed in accordance with the Governor's request for such legislation in his message to the Legislature on January 5. In signing the bill the Governor stated that "cheap and plentiful power is essential to progress, economic and social. It is vital to this State if it is to maintain or improve its relative positions with other areas.")

A. 72 (same as S. 9) Died in Assembly.

Public Service Commission. S. 2601, approved April 6, 1949, Chapter 430. This act amends the public service law to provide that whenever the commission shall certify to the Governor that additional commissioners are needed to carry out the business before it then the Governor may appoint two additional commissioners by and with the advice and consent of the Senate.

A. 3050 (same as S. 2601) Killed in Assembly.

Utility Tax. A. 1687, approved April 5, 1949, Chapter 365. This act amends the general city law authorizing cities to impose a tax of not more than 1% on the gross income of public utilities by extending the effective date of the law through July, 1950.

Electric lighting district. A. 2866, approved April 21, 1949, Chapter 727. This bill authorizes the towns of Hoosick, Rensselaer County, and White Creek, Washington County, to construct a joint electric lighting district.

S. 2552 (same as A. 2866) Died in Senate.

State Commission - flood control. A. 224, approved February 23, 1949, Chapter 34. This act continues until March 31, 1950 the temporary state commission established to assist in the institution of a federal long-range program of flood control within the State.

S. 140 (same as A. 224) Died in Senate.

Failed:

Electricity - Cost. S. 1799, Died in Senate.

This bill would have fixed a maximum charge for electricity at 3 cents per KWH. This limitation to be effective on and after July 1, 1949.

A. 128 (same as S. 1779) Died in Assembly.

A. 1555 (same as S. 1779) Died in Assembly.

Uniform utility accounting procedures. S. 366, Died in Senate.

This bill would have authorized the public service commission to prescribe uniform

methods of measuring and accounting for depreciation of property to be observed by public utility companies.

S. 1207 (same as S. 366) Died in Senate.

A. 1412 (same as S. 366) Died in Assembly.

S. 367, Died in Senate. This bill would have made it unlawful for public utility corporations to keep accounts, records or memoranda inconsistent, conflicting, or at variance with those prescribed by the public service commission, or under authority of the U.S.

S. 1205 (same as S. 367) Died in Senate.

A. 1423 (same as S. 367) Died in Assembly.

Public Utility - optional schedules. S. 298, Died in Senate.

This bill would have provided that the public service commission may require gas and electric corporations filing optional schedules to give written notice to consumers, once a year, of lowest rate or form of rate available for future use.

S. 1206 (same as S. 298) Died in Senate.

A. 1411 (same as S. 298) Died in Assembly.

Utilities - rate increases. S. 1344, Died in Senate.

This bill would have provided that the burden of proof for the justification of a rate increase shall be on a public utility and in an action for a rate decrease the burden of proof shall be upon the public service commission.

A. 1570 (same as S. 1344) Died in Assembly.

Utility - discontinuance of service. S. 1304, Died in Senate.

This bill would have prohibited the discontinuance of gas or electric light supply for any cause until and after a 5 day written notice has been given.

A. 1483 (same as S. 1304) Died in Assembly.

A. 761 (similar to S. 1304) Died in Assembly.

Utilities - sale of appliances. S. 1698, Died in Senate.

This bill would have prohibited gas or electric corporations from engaging in the manufacture or sale of appliances.

A. 1940 (same as S. 1698) Died in Assembly.

Sub-metering corporations. S. 181, Died in Senate.

This bill would have provided that gas and electric sub-metering corporations be subject to regulation by the public utilities commission. The definition of "electric sub-metering corporation" includes every corporation, company, association, etc. "who or which is not an electric corporation."

S. 297 (same as S. 181) Died in Senate. Engaged in the distribution of electricity, which definition

S. 801 (same as S. 181) Died in Senate. would probably include the New York electric cooperatives.

A. 206 (same as S. 181) Died in Assembly.

A. 941 (same as S. 181) Died in Assembly.

Utilities - reorganization. S. 2067, Vetoed April 26, 1949.

This bill would have extended the jurisdiction of the public service Commission to include all reorganizations of gas and electric corporations.

A. 2359 (same as S. 2067) Killed in Assembly.

Utilities - Pension plans. S. 2289, Passed Senate, Died in Assembly.

This bill would have permitted gas or electric corporations to charge to operating expenses contributions to pension retirement plans operated and maintained for employees.

A. 2600 (same as S. 2289) Died in Assembly.

S. 2548 (similar to S. 2289) Died in Senate.

A. 2566 (similar to S. 2289) Died in Assembly.

Generating District and Authority. S. 763, Died in Senate.

This bill would have created the Eastern New York Generating district and authority. The authority would have been authorized to acquire, operate, and develop hydro-electric power sources within certain counties, but would not have included the St. Lawrence river development.

A. 683 (same as S. 763) Died in Assembly.

Utility lines. S. 103, Passed Senate, Died in Assembly.

This bill would have authorized the town highway superintendent to permit the installation of utility lines in town highways.

A. 91 (same as S. 103) Passed Assembly, Died in Senate.

Cooperative Corporation Law. S. 2247, Died in Senate.

This bill would have repealed and reenacted a new cooperative corporations law.

A. 2764 (same as S. 2247) Died in Assembly.

Utility Tax. S. 446, Passed Senate, Died in Assembly.

This bill would have authorized 1st class villages to impose a tax of not more than 1% on the gross income of corporations furnishing utility services.

A. 511 (same as S. 446) Died in Assembly.

State Power Authority. A. 2192, Died in Assembly.

This bill would have limited the jurisdiction of the state power authority to development of hydro-electric power and prohibited the use of funds for the development of the St. Lawrence river for navigation.

Utility - discrimination. A. 281, Died in Assembly.

This bill would have made it unlawful for a public utility company to maintain a policy of exclusion against any class of persons to prevent their employment because of race, creed, color, or national origin.

Electricians - licenses. S. 1461, Died in Senate.

This bill would have authorized the issuance of a master electricians license, without examination, to persons who have attained the age of 45 and who have had at least 15 years experience in electrical work under the supervision of a master electrician.

A. 1920, Vetoed April 16, 1949. This bill would have validated the acts of Putnam County supervisors in licensing electricians and inspectors of electrical work.

S. 1724 (same as A. 1920) Died in Senate.

St. Lawrence Power Project. A.Res. 108, Died in Assembly.

This resolution would have memorialized the President of the United States to withdraw his opposition to the development by New York and Ontario of their joint water power resources and to permit State of New York and the Province of Ontario to proceed with the construction of the St. Lawrence Power Project.

St. Lawrence Seaway. A.Res. 33, Died in Assembly.

This resolution would have memorialized the Congress of the United States to oppose the construction of the St. Lawrence Seaway.

A.Res. 23 (similar to A.Res. 33) Died in Assembly.

1949 North Carolina Legislation

Final Report - Session: January 5 to April 23, 1949

A. Affirmative Program

Municipal Revenue Bond Act. S.B. 303 ratified April 21, 1949, Chapter 1081. This law amends the municipal revenue bond act of 1938 by striking out section 11, which had carried an expiration date, thus making the act permanent. Section 5 was amended to provide for a 35-year time limit for the maturity of bonds issued pursuant to this act. Section 9 which contains provisions relating to obtaining a certificate of convenience and necessity from the North Carolina Utilities Commission before beginning the construction of a utility plant was retained. (This legislation was sponsored by REA borrowers in order to enable the cities of Wilson and Greenville to obtain loans from the REA.)

[Earlier in the session it was contemplated by REA borrowers that a number of legislative proposals be introduced into the legislature. These proposals dealt with amendments to the Electric Membership Corporation Act to provide for (a) staggered terms for directors; (b) service to a limited number of nonmembers; (c) mortgaging of property to the Federal Government by a vote of the directors; also an amendment to the easement registration statute and an amendment to exempt contractors constructing REA-financed lines from the provisions of the contractors licensing act. Another proposal which was considered dealt with the disposition of electric lines by municipalities. None of the above bills were presented to the legislature for its consideration during the 1949 session, because it was considered to be too dangerous to handle in view of the efforts that were being made to bring rural electric cooperatives under the jurisdiction of the North Carolina Utilities Commission. (See Defensive Program. H.B. 275).]

B. Defensive Program

Utilities Commission - Jurisdiction. H.B. 275 ratified April 18, 1949, Chapter 1029. This law amends those sections of Chapter 62 of the General Statutes of North Carolina, 1943, which relates to the authority and jurisdiction of the utilities commission to (a) regulate utility crossings; (b) to require adequate services by utilities; (c) to provide for the appointment of an assistant attorney general to be assigned to the utilities commission, and (d) to require the utilities commission and the state board of assessment to coordinate facilities for rate making and taxation purposes. (When this bill was considered by the Senate Committee, an amendment was proposed and adopted by the Committee, which would have required rural electric membership corporations to obtain approval from the North Carolina Rural Electrification Authority (as originally introduced the amendment specified the North Carolina Utilities Commission) before beginning the construction or the acquisition of a high voltage transmission electric line. Prior to the granting of such approval notice would have had to be given to those private electric power companies through whose territory the

transmission line would pass and if the power company so requested a hearing would have had to be held. Further provision was made for appeal to the courts from any decision of the Authority. This amendment was defeated by voice vote on the floor of the Senate.)

C. Collateral Legislation

Enacted:

North Carolina Utilities Commission. H.B. 280 ratified April 15, 1949, Chapter 989. This act amends, clarifies and rewrites Article 2 of Chapter 62, General Statutes of North Carolina, 1943, relating to procedure before the North Carolina Utilities Commission. H.B. 343 ratified April 15, 1949, Chapter 1009. This act increases the membership of the North Carolina Utilities Commission to five members, provides for organization of the work of the commission into several divisions and for the employment of technically qualified experts. S.B. 131 (same as H.B. 343), Died in the Senate.

University of North Carolina - Electric System. H.B. 593, ratified March 30, 1949, Chapter 653. This act authorizes the University of North Carolina to sell or lease its telephone company and the distribution systems of its water and electric light and power facilities.

Neuse River - Dam Construction. H.B. 687 ratified March 28, 1949, Chapter 599. This act authorizes the construction and operation of low-head dams in the Neuse River near the Goldsboro in order to make use of the water for cooling and other purposes in the operation and maintenance of a steam electric generating plant.

Contractors - Licensing. H.B. 906 ratified April 13, 1949, Chapter 936. This act amends the law relating to the licensing of general contractors by defining "general contractor" as one who bids on a job costing more than \$15,000.

Statesville - Sale of Power Lines. S.B. 278 ratified March 26, 1949, Chapter 572. This act authorizes the City of Statesville to sell certain power lines lying outside the corporate limits of the city.

Taxation. H.B. 30 ratified March 18, 1949, Chapter 392. This act amends "The Revenue Act" being Chapter 105 of the General Statutes of North Carolina, 1943. Section 3 provides that cooperatives shall not be exempt from an income tax on net income which has not been allocated to patrons on a patronage basis and distributed either in cash, stock certificates or in some other manner that discloses to each patron the amount of his patronage refund.

Failed:

Public Utilities - Rates. H.B. 51, Died in House. This bill would have prohibited public utilities from altering rates by forbidding the assessment of penalties for failure of a customer to pay bill within a specified time or by the granting of a deduction for payments made within a specified time.

Utilities - Rate Increases. H.B. 432, Died in House. This bill would have amended the law relating to notice required to be given before any increase may be made in the rates of public utilities.

Municipal Utilities - Rates Outside City. H.B. 453, Killed in House. This bill would have given the Utilities Commission jurisdiction over the rates charged by municipally owned and operated utilities to persons located outside of the corporate limits of the municipality.

Electrical Contractors. H.B. 1183, Died in House.

Electrical Appliances. H.B. 424, Died in House. This bill would have prohibited nonresidents of Graham County from selling or offering for sale electrical appliances or furniture in Graham County unless he is a wholesale dealer.

1949 North Dakota Legislation

Final Report — Thirty-first Session: January 4 to March 4 (5), 1949

Governor's Message

The following excerpts are taken from the January 4, 1949 message of Governor Fred C. Aandahl to the legislature:

"The federal water development program with numerous dams and reservoirs and resultant irrigation, hydroelectric power, adequate municipal water, flood control and recreation opens an entire new field of opportunity. The lignite pilot plant and lignite laboratory at Grand Forks indicate a possible major utilization of our vast mineral resources in the production of plastics, liquid fuels and gas. The prospective progress of these new projects is astounding and the potential benefits immeasurable to the average person's thinking. Regular old time farming is changing too. Farmers are quick to accept new varieties of seed, new methods of spray and dusting to control weeds, flies and insects and new equipment and methods of all kinds essential to meet growing obstacles and to keep pace with the progress of study and research . . . "

A. Affirmative Program

Rural Electrification Administration. H.C.R.Y. filed with the Secretary of State, March 5, 1949. (Inserted in Congressional Record, March 11, 1949, p. 2265). A resolution memorializing Congress and the President not to support any proposition disturbing the Rural Electrification Administration as it is presently set up and not to disturb the existing power agencies or the Government's power policy to the detriment of the people.

State Electrical Board. H.B. 268, approved March 19, 1949. This law amends the North Dakota Revised Code of 1943 (Sections 43-0901 et seq.) to provide for a "Class B" electrician. In order to obtain a license as a Class B electrician, a person is required to have 18 months actual experience in farmstead wiring and to pass an examination before the State electrical board based upon the "National R.E.A. electrical wiring code as it applies to farmstead wiring." Section 43-0920 limits the authority of a Class B electrician to contracts for the installation of farmstead electrical wiring. Membership of the State Electrical Board is increased to five members one of whom is to be selected from consumer members of rural electric cooperatives. The board shall appoint inspectors who will inspect electrical wiring installations, having a value of more than fifty dollars, within fifteen days after notice of completion of such installations, in those municipalities having ordinances requiring such inspection.

B. Defensive Program

Joint use--electric line poles. S.B. 158, passed Senate; died in House. This bill would have required that operators of electric lines located

2-1949 North Dakota Legislation

outside of incorporated municipalities permit the attachment of communication wires to the poles or other structures supporting the electric lines. The bill provided for an annual rental fee of 10 cents per pole, for each communication wire attached to it. (This legislation is unnecessary as far as North Dakota rural electric cooperatives are concerned. A form of joint use agreement covering the use of electric and telephone facilities has been worked out and is now available. The provisions for payment for the use of facilities contained in the agreement are compensatory. The provision in S.B. 158 for the payment of 10 cents per pole per year for each wire is so inadequate as to be confiscatory.)

Electric Power Lines — Height. H.B. 151, killed in House. This bill would have amended Sec. 49-0221 of North Dakota Code of 1943, as amended, by adding a new section providing that "all future construction or repair shall be so constructed that power lines shall be not less than 24 feet above a public highway, street or other thoroughfare." Before the bill was killed on the floor of the House, it was amended to lower the clearance requirement to 22 feet. This would still have been 4 feet more than the 18 foot clearance requirement of the National Electrical Safety Code and if it had been enacted would have imposed an undue and expensive burden upon the operators of electric systems.

Electrical Installations. H.B. 115, passed House; died in the Senate. This bill would have permitted wiring installations to be made by any competent workmen who files a \$500 bond, except in municipalities which provide by ordinance for the regulation and inspection of electrical installations. The bond was to be conditioned for the payment of damages sustained by reason of faulty workmanship on any job involving \$50 or more. Section 2 would have required all utilities supplying current to provide inspection for all electrical installations, except in municipalities providing by ordinance for the regulation and inspection of electrical installations. The inspectors of the utility would have had the authority to condemn electrical installations and to order service discontinued.

Electricians. H.B. 123, died in House. This bill would have repealed Chapter 43-09 of the North Dakota Revised Code of 1943 relating to the establishment and operation of the State Electrical Board.

C. Collateral Legislation

Enacted:

Public Utilities. S.B. 167, approved March 3, 1949. This law amends Sections 49-0914 and 49-1915 of the North Dakota Code of 1943 relating to the recording of public utility general property transfers with the Secretary of State and the recording of conveyances of real property, other than that used by a public utility as a right-of-way, in the office of the register of deeds of the county in which the property is located.

Public Utilities — Sale of Appliances. H.B. 107, died in House. This bill would have prohibited public utilities from engaging in the business of selling electrical or natural gas appliances. The bill would

3-1949 North Dakota Legislation

Utilities--Vacating Streets. S.B. 16, approved February 25, 1949, Chapter 277. This law amends Sec. 40-3904 of the North Dakota Revised Code of 1943 by adding the provision that streets and alleys through which utilities run shall not be vacated unless perpetual easements for the maintenance of such utilities have been given.

Taxation. H.B. 163 approved March 12, 1949, Chapter 341. This law imposes a 2 per cent retail sales tax to be levied upon gross receipts from all sales of tangible personal property and the furnishing or service of steam, gas, electricity, water and communication service.

Missouri--Souris Conservancy and Reclamation District. S.B. 238 approved March 19, 1949, Chapter 347. This act creates the Missouri--Souris Conservancy and Reclamation District in order to facilitate the establishment and construction of the Missouri-Souris unit of the Missouri Basin Project. The purpose of the establishment of the district is stated to be necessary "to provide for the future economic welfare and prosperity of the people of this state..., to provide for irrigation of lands within the district..., to replenish the waters of the lakes, rivers, and streams in the district..., and to make available within the district, waters diverted from the Missouri River for irrigation, domestic, municipal and industrial needs, and for hydro electric power and other beneficial and public uses."

Telephone Rates. S. Res. 4, filed with Secretary of State March 7, 1949. This resolution urges the North Dakota Public Service Commission to reconsider its order approving telephone rate increases to the Northwestern Bell Telephone Company. The resolution states that the "commission acted hastily and without a full study of the questions involved in approving said order and the interested cities and individuals did not have an opportunity to examine the facts in order to determine what increase, if any, was justified and were not given sufficient opportunity to prepare and present any defense." The resolution instructs the Commission to engage competent personnel and expert counsel to prosecute the case in the interests of the telephone users of North Dakota and the legislative research committee is requested to give consideration to legislation which may be proposed to further protect the interests of the public.

Failed:

Public Utilities -- Sale of Appliances. H.B. 107, died in House. This bill would have prohibited public utilities from engaging in the business of selling electrical or natural gas appliances. The bill would have required every public utility now holding a certificate of convenience and necessity to file an affidavit with the Public Service Commissioner that it was not engaged in the business of selling electrical or natural gas appliances.

Plumbers. S.B. 166, died in the Senate--related to the State Board of Plumbers. H.B. 309, passed House; died in Senate--related to plumber's licenses.

Municipal Utilities. S.B. 21, died in Senate. This bill related to service charges by municipal utilities.

Utilities--Taxation. H.B. 325, died in House.

4-1949 North Dakota Legislation

Cooperative Associations. H.B. 240, passed House; died in Senate. This bill would have amended Sec. 10-1508 of the North Dakota Revised Code of 1943 by providing that no by-laws shall be adopted permitting stockholder members to vote by proxy. H.B. 323, a bill relating to farm cooperatives died in the House.

1949 Ohio Legislation

Final Report - 98th Session: January 3 to July 29, 1949

A. Affirmative Program

No affirmative program of legislation was undertaken by REA borrowers.

B. Defense Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Utilities Excise Tax. S.B. 51 approved April 14, 1949.

This act amends the act of May 1, 1947, which imposes an excise tax on public utilities by extending the period for the collection of said tax through 1951.

H.B. 172 (same as S.51), Died in House.

H.B. 450 (same as S.51), Died in House.

Division of Water. S.B. 13 approved May 9, 1949.

This act creates within the Department of Natural Resources a Division of Water which shall be responsible for the collection, study and interpretation of all available information pertaining to the supply, use, conservation, etc., of the underground and surface waters in the State. The Division is also authorized to cooperate with any agency of the United States or any agency of any other State pertaining to the water resources of the State of Ohio. The Division is responsible for the care and control of the public works of the State and is given the power to make such alterations or changes as may be deemed necessary. The Division of Water is given authority to sell or lease power generated at any improvement for a term not exceeding fifty years subject to such restrictions and reservations as may be deemed necessary and proper for the furtherance of the purposes of this act.

Telephones. H.B. 40 approved July 20, 1949.

This act amends Section 614-121 of the Ohio General Code by providing that after January 1, 1952 it shall be deemed to be prima facie evidence of inadequate service by any telephone company for more than ten persons, parties or subscribers to be served on any one telephone line. This provision is not applicable to telephone exchanges serving less than five hundred telephones. Section 614-27 is amended to provide that the commission shall require a telephone company to serve persons residing within the operating area of such company when it is shown, by hearing, that a telephone company has refused to render such service.

S.B. 270 approved June 27, 1949. This act amends Section 9191 of the Ohio General Code for the purpose of modernizing the statutory authority of communications companies to accord with developments in the art of communications.

Chattel Mortgages. S.B. 118 approved July 25, 1949.

This act amends Section 8569-1 of the Ohio General Code relating to when the index of conditional sales instruments may be destroyed.

2-1949 Ohio Legislation

Chattel Mortgages. S.B. 101 approved July 25, 1949.

This act amends Section 8565 of the Ohio General Code relating to when chattel mortgages are void and when the indexes may be destroyed.

H.B. 57 approved June 16, 1949. This act amends Section 8565-3 of the Ohio General Code prohibiting deficiency judgments where a chattel mortgagee repossesses property without order of court.

Plumbing Inspection. S.B. 178 approved June 27, 1949.

This act amends several sections of the Ohio General Code (1261-3 to 1261-6; 1261-13; 1261-15) relating to State inspection of plumbing.

Engineers--Registration. S.B. 329 approved July 25, 1949.

This act amends various sections of the Ohio General Code (1083-1; 1083-2; 1083-13; 1083-14; 1083-15) relating to the registration of professional engineers and surveyors.

Failed:

Public Utilities Commission--rate hearing. H.B. 143, Died in House.

This bill would have altered the procedure in rate cases before the Ohio public utilities commission.

Public Utilities Commission--Investigation. H.J.R. 53, Died in House.

This joint resolution would have established a commission to investigate the public utilities commission of Ohio.

Utilities--Taxation. H.B. 180, Died in House.

This bill would have authorized municipal corporations to levy and collect excise taxes based on the use or consumption of utilities, commodities or services.

H.B. 181, Died in House. This bill would have amended Section 5483 of the Ohio General Code authorizing municipal corporations to levy and collect excise taxes based on the supplying or consumption of certain utilities.

H.B. 182, Died in House. This bill would have amended Sections 5483 and 5546-2 of the Ohio General Code relative to the power of municipal corporations to levy and collect consumers' utility taxes.

Telephone Service--Investigation. S.J.R. 18, Adopted in Senate, Died in House. This resolution would have established a commission to investigate telephone service in the State of Ohio.

H.B. 491, Died in House. This bill would have amended Section 614-52 of the Ohio General Code to permit a telephone company to build lines into a territory served by another telephone company when such lines are to be used for a fire warning system.

Chattel Mortgages. S.B. 165, Died in Senate.

This bill would have enacted a supplemental section to the Ohio General Code to provide for the recording of chattel mortgages upon request.

S.B. 117, Died in House. This bill would have amended the Ohio General Code relative to the fees of the county recorder for chattel mortgages.

3-1949 Ohio Legislation

Labor Relations. H.B. 222, Died in House.

This bill would have created a labor relations commission for the purpose of promoting equality of bargaining power between employer and employee and to diminish the causes of industrial disputes by encouraging collective bargaining.

1949 Oklahoma Legislation

Final Report - 22nd Session: January 4 to May 27, 1949

A. Affirmative Program

Rural Electric Cooperative Act. H.B. 73 approved March 25, 1949. (Title 18, Chapter 10, Laws 1949). This law amends the Rural Electric Cooperative Act by giving cooperatives the power to have and exercise the right of eminent domain in the same manner and by like proceedings as provided for railroad corporations under the law of the State of Oklahoma.

Recording Easements. H.B. 302 approved May 2, 1949. (Title 19, Chapter 9, Laws 1949). This act provides that easements and right-of-way grants obtained by co-operatives, associations, etc., serving rural areas as utilities for dispensing or sale of electric current for light and power, water, communications, etc., shall be recorded and indexed at actual cost by county clerks, when not less than 100 of such easements are offered for recording at one time.

(At the request of A.D. Mueller, Manager, Oklahoma Statewide Electric Cooperative, Inc., a draft of proposed legislation to relieve rural electric cooperatives of the burden of removing lines because of a county's failure to locate missing or obliterated section corners was prepared for submission to the legislature. Enactment of this bill would have removed a substantial obstacle to the economical and thorough completion of the rural electrification program in Oklahoma. Previously a number of Oklahoma cooperatives had been subjected to considerable and unjustified expense because numerous section corners in Oklahoma are missing or obliterated and they were required to bear the cost of making surveys in order to insure that their lines would not be constructed within county roads or highways. Several cooperatives which had constructed their lines without having surveys made were later put to the expense of having to have their lines moved. No information was received as to whether this bill was introduced into the 1949 session of the Oklahoma legislature.)

B. Defensive Program

No measures inimical to the REA program came to our attention.

C. Collateral Legislation

Enacted:

Grand River Dam Authority. S.B. 71 approved April 21, 1949. (Title 82, Chapter 8, Laws 1949). This act amends the law creating the Grand River Dam Authority by adding to its powers, rights and privileges the right to own, construct, operate and maintain any project or works in conjunction or jointly with any other department or agency of the State of Oklahoma or the United States.

The Authority is prohibited from acquiring by condemnation any privately, municipally or publicly-owned electric public utility system outside of the reservoir area. The Authority is given the power to acquire the steam generating plant at the Oklahoma Ordnance Works, Chouteau, Oklahoma, and is authorized to issue an additional \$25 million dollars in bonds to be used for constructing installing or acquiring dams and/or hydro-electric power plants at Marklam's Ferry and/or Fort Gibson, including transmission lines.

Corporations. H.B. 368 approved May 31, 1949. (Title 18, Chapter A, Laws 1949). This act amends the Business Corporation Act and prohibits gas or electric public service corporations from engaging in the business of selling gas and/or electric appliances.

Plumbing. S.B. 156, approved May 13, 1949. (Title 11, Chapter 9, Laws 1949). This act amends the law relating to the regulation of plumbing by providing by increasing the fees for certificates of master plumbers and journeymen plumbers and by permitting towns of 4,000 population or less discretionary powers in appointment of plumbing inspector.

Engineers - Registration. S.B. 190 approved June 2, 1949. (Title 59, Chapter 10, Laws 1949). This act amends the law relating to the registration and licensing of engineers by providing for a new classification "Engineer-in-Training," prescribing the requirements of qualification and fees to be paid

Failed:

Hydro-Electric Power. H.B. 194 Passed House, Died in Senate. This bill would have required compliance with the law relating to irrigation and water rights before a permit or license could be granted authorizing the development of a water site for hydro-electric power purposes.

Utilities - Rates. H.B. 187, Died in House. This bill related to the rates charged by utilities.

Municipal Utilities. S.B. 195, Passed Senate, Died in House. This bill would have established procedure for the keeping of accounts by municipally owned water, gas and electric utilities and the rate making in connection with such utilities. The bill further provided that the State Examiner and Inspector should establish a uniform system of accounts to be used by all such utilities.

H.B. 540, Died in House. This bill related to the operation of municipal utilities.

Taxation - Utilities. S.B. 127, Died in Senate. This bill would have permitted cities and towns to levy a 3% gross receipts tax on sales of power, light, electricity, etc. This tax is to be in lieu of any franchise, license, occupation or excise tax.

S.B. 285, Died in Senate. This bill related to the classification of Real Property Taxation. S.J. Res. 5, Died in Senate. This resolution would have proposed a constitutional amendment relating to taxation of utilities.

Telephone Lines. S.B. 254, Killed in House. This bill would have amended the law relating to the prohibition against construction of telephone lines in a presently occupied field by providing that the Corporation Commission would be empowered with authority to determine, upon submission of a written application, whether the territory described in the written application is open and unoccupied territory and available for the construction of telephone lines.

1949 Oregon Legislation

Final Report - 45th Session: January 10 to April 16, 1949

Governor's Message

The following excerpts are taken from the January 10 message of Governor Douglas McKay, to the legislature:

"Oregon has millions of kilowatts of potential hydroelectric power. The Pacific Northwest has 47 percent of the potential of the nation. This is the backbone of our industrial future.

The seriousness of our present power situation is well known to you. With the greatest hydroelectric possibilities of any section of the world, we face a critical shortage that may last for as much as ten years, and is almost certain to continue for the next five years. Industrial development is being hampered by the present shortage. Certainly, we should do everything possible to cure the present shortage and to develop hydroelectric resources equal to our opportunities of the future.

The United States Soil Conservation Service estimates that the great Columbia flood of last spring removed 80,500,000 tons of top soil from the state of Oregon. It is authoritatively estimated that 3,600,000 acres of Oregon land are in critical condition from soil erosion, and that another 4,600,000 acres are being eroded rapidly. Immediate steps to halt this erosion is a responsibility we owe to the future generations of Oregon.

The restoration of our watersheds, flood control, irrigation of the vast potential farm lands of our state, and the restoration of underground water levels that nourish our present fertile acres of farm land is the only secure foundation on which to build the future of our agricultural economy . . .

There are today a multiplicity of agencies, each working earnestly and faithfully, but sometimes in divergent directions, but all concerned with the resource of water and its utilization in the development of the state. I regard as one of the most earnestly needed of all the programs concerned with the future of our state, the coordination and the integration of all these agencies into a cooperative effort to create a comprehensive program that covers all phases of these problems"

A. Affirmative Program

No affirmative program was undertaken by the REA cooperatives at the 1949 session of the legislature.

B. Defensive Program

Certificates of Convenience and Necessity - Public Utilities Commission. - S.B. 245, Died in Senate Committee. This bill would have provided that

whenever a person proposed to construct an electric system for the purpose of providing service in an area already served by a similar utility it would first be necessary to obtain a certificate of convenience and necessity from the Oregon Public Utilities Commissioner. (The effect of this bill would have been to bring all REA cooperatives under the jurisdiction of the Oregon Public Utilities Commission and would have crippled the expansion program of the cooperatives. This bill was the same as H.B. 290 which was introduced and defeated at the 1947 session of legislature. The bill was referred to the Senate Committee on Railroads and Utilities which held a hearing on February 22, 1949 at which time representatives from 10 REA co-ops appeared and testified against the proposed bill. The bill was not reported out of Committee.)

Electric Power - Emergency - S.B. 84, Died in Senate. This bill would have authorized the Governor to declare an emergency whenever the supply of electric power and energy available within the state is adversely affected. When such a condition prevails the commissioner of public utilities would be authorized to regulate, control, suspend or prohibit the production, transmission, distribution and use of electric power and energy by any person. (This bill passed the Senate 28-0 on January 28. It passed the House 47-9 on January 31. After some further parliamentary moves the bill was recommitted to the Senate Committee on Railroads and Utilities on February 3 and no further action was taken on it during the rest of the session of the legislature.)

S. B. 46 (similar to S.B. 84). Died in Senate.

C. Collateral Legislation

Public Utilities - Suspension of Rates - S.B. 90, approved February 26, 1949, Chapter 81. This act relates to the suspension of the rate schedule of a public utility by the public utilities commissioner pending the making of an investigation.

Electrical Installation Inspection - S.B. 52, approved February 28, 1949, Chapter 83. This act amends the law relating to the installation and inspection of electric wiring and equipment. Cooperatives are added to the previously listed group selling electricity who are prohibited from energizing an electrical installation until a label is supplied stating that the installation was made in accordance with the state electrical code.

Peoples Utility Districts - H.B. 289, approved March 2, 1949, Chapter 114. This act amends the law relating to peoples' utility districts by increasing the compensation to directors of an operating district and by providing for the letting of contracts to the lowest responsible bidder after advertisement of bids.

Peoples' Utility Districts - S.R. 323, Died in Senate. This bill would have amended the law governing peoples' utility districts relating to the submitting of questions to the vote of residents of the district.

Enacted

Condemnation Proceedings - S.B. 277, approved April 5, 1949 Chapter 31⁴. This act amends Section 112-503 Oregon Compiled Laws Annotated by providing additional powers of condemnation of land to corporations organized for the purpose of building, maintaining and operating electric transmission lines for the purpose of constructing substations and switching stations.

S. B. 278 approved April 22, 1949, Chapter 478. This act amends Section 12-101 and 12-102, Oregon Compiled Laws Annotated by providing the additional powers given to electric companies described in Chapter 31⁴, Laws of 1949, above.

Engineers - Registration - H.B. 17, approved February 17, 1949, Chapter 49. This act amends the law relating to the State Board of Engineering Examiners providing for two electrical engineers to be appointed to the board, increasing examination and other fees of the Board.

Failed

Contractors - Licensing - H.B. 182, Passed House, Died in Senate. This bill would have ~~enabled~~ the Building Contractors' State Licensing Board with the powers to regulate the practice of building contracting in the State of Oregon.

Enacted

Rogue River Dam - H.B. 395 approved March 26, 1947, Chapter 232. This act authorizes the construction by the United States and its authorized agencies of dams or other structures in the Rogue River in order to achieve comprehensive development of the Rogue River Basin.

Failed

Columbia Valley Authority - S.J.M. 2, substituted by S.J.M. 13 which failed to be adopted. Both of these memorials would have urged Congress to enact legislation for the establishment of a Columbia Valley Authority.

H.J.M. 5 (same as S.J.M. 2 and 13). Died in House.

H.J.R. 31, Died in House. This resolution called for the establishment of an interim committee to make a study of the natural resources of the Columbia river basin.

1949 Pennsylvania Legislation

Final Report - 138th Session: January 4 to April 28, 1949

A. Affirmative Program

No affirmative program of legislation was undertaken by REA borrowers in Pennsylvania.

B. Defensive Program

Electrical Administration Board. H.B. 765, Died in House.
This bill would have established an Electrical Administration Board which would have had the authority to establish minimum standards for electrical equipment and its installation; to provide for State-wide inspection of electrical installations; to license electricians; to appoint electrical inspectors, etc.

S.B. 151 (same as H.B. 765), Died in Senate.

C. Collateral Legislation

Enacted:

Public Utility Commissioners. S. 526 approved March 31, 1949, Act 32.
S. 527 approved March 31, 1949, Act 33.

These acts provide for increasing the salaries of the chairman and members of the Public Utility Commission.

Municipal Authorities. S.B. 633 approved April 26, 1949, Act 187.
This act amends P.L. 382, Laws of 1945, providing for the establishment of Authorities by providing for joinder in existing Authorities by additional municipalities.

Non-Profit Corporations. H.B. 325 approved April 18, 1949, Act 127.
This act amends the law relating to non-profit corporations by further regulating the method of approval of joint plans for merger or consolidation.

General State Authority. H.B. 565 approved March 31, 1949, Act 34.
This act creates the General State Authority as a body corporate and politic with the power to construct, improve, equip, furnish and operate projects. The Authority is given the power to issue bonds, enter into agreements with the United States Government or any Federal agency, etc. (The Authority was established for the purpose of constructing buildings and other projects needed by State agencies.)

S.B. 168 (same as H.B. 565), Died in Senate.

H.B. 46 (same as H.B. 565), Died in House.

Microfilming Records. S.B. 366, approved May 9, 1949, Act 250.
This act authorizes the recording and copying of documents, papers and other public records of political subdivisions by photostating, microfilming or photography.

Failed:

Cooperative Telephone Companies. S.B. 720, Passed Senate April 12 (40-12), Passed House April 26 (207-0), Vetoed by the Governor May 26, 1949. This act would have authorized cooperative telephone companies furnishing telephone service to their members on a non-profit basis to secure certificates of public convenience and necessity from the Public Utility Commission in order to engage in furnishing telephone service or to extend telephone service into areas not being served. (The Governor in his veto message explained that he vetoed this bill for two principal reasons. The first reason is that the definition of "telephone service" appearing in the bill states that it shall mean the conveying or transmitting of messages or communications by telephone for the public for compensation while the definition of "association" in the bill states that it shall be an organization furnishing telephone service only to its stockholders or members on a non-profit basis. The second reason relates to the limitation of the jurisdiction of the Public Utility Commission restricting it to situations where telephone service is to be extended into a new area and then only when such service is to be made available to the public for compensation.)

Public Utility Rates. H.B. 61, Died in House.

This bill would have prohibited increases in rates for at least six months after application or protest is made.

H.B. 331, Died in House. This bill would have prohibited increases in rates by public utilities without public hearings.

H.B. 1118, Died in House. This bill would have prohibited increases in rates of public utilities in cities of first class without the approval of the councils of such cities.

H.B. 420, Died in House. This bill would have amended the Administrative Code to establish the Fair Rate Board.

Public Utilities - Rate of return. H.B. 1313, Died in House.

This bill would have defined the fair value of the property of a public utility and provided that just and reasonable rates shall be such as to provide a fair return upon the fair value of the property.

S.B. 772 (same as H.B. 1313), Died in Senate.

Electric Power. H.B. 1214, Died in House.

This bill would have prescribed the quantity of power to be furnished certain consumers by electric power companies.

S.B. 923 (same as H.B. 1214), Died in Senate.

H.B. 1268, Died in House. This bill would have authorized boroughs furnishing electricity to make contracts for the exchange of electrical current among themselves.

H.B. 272, Died in House. This bill would have authorized cities, boroughs, towns, etc., to construct, own, operate, acquire, etc., facilities for the production, generation, transmission, distribution, of electricity, gas, steam, etc.

Labor Disputes - Public Utilities. H.B. 57, Died in House.

This bill would have repealed P.L. 1161, Laws 1947, relating to the settlement of disputes between public utility employers and their employees.

S.B. 319 (same as H.B. 57), Died in Senate.

Fair Employment Practice Commission. S.B. 6, Died in Senate.

This bill would have established the Fair Employment Practice Commission to prevent discrimination in employment opportunities in Pennsylvania.

H.B. 32 (same as S.B. 6), Died in House.

H.B. 42 (same as S.B. 6), Died in House.

H.B. 975 (same as S.B. 6), Died in House.

H.B. 1064 (same as S.B. 6), Died in House.

Industrial Development. S.B. 331, Died in Senate.

This bill would have provided for the encouragement of the location of new industries in Pennsylvania through the granting of State-aid to municipal authorities for the construction of industrial plants.

Plumbing. H.B. 1246, Died in House.

This bill would have required plumbing inspected by health officers to be performed by registered master plumbers or apprentices.

1949 Rhode Island Legislation

Final Report --

Session: January 4-May 7, 1949

A. Affirmative Program

None.

B. Defensive Legislation

None.

C. Collateral Legislation

Enacted:

New England Development Authority - S.B. 255, Approved April 1, 1949, Chapter 2184. This act approves the execution of a compact with the states of Maine, New Hampshire, Vermont, Massachusetts and Connecticut for the creation of a New England Development Authority. The authority created by the compact will consist of six commissioners, one from each state appointed by the governor of the state. The authority shall make a survey of the natural and economic resources of the area for the purpose of improving the general welfare of the region. Specifically the authority is instructed to survey the New England region in regard to "the utilization and control of the water resources of the region, especially in regard to achieving low cost electric power, lessening flood damage, removing sources of water pollution and obtaining from whatever source uniform or competitively fair power and light rates throughout New England, without prejudice to the agricultural or industrial economy of the area." The compact will continue for 10 years unless it is terminated sooner by mutual consent. (This bill was also introduced into the legislature of each of the other states listed above, but all failed of enactment.)

S.B. 256 (same as S.B. 255) Died in Senate.

H.B. 940 (same as S.B. 255) Died in House

H.B. 941 (same as S.B. 255) Died in House.

Public Utilities - S.B. 158 approved March 17, 1949, Chapter 2172. This act amends Section 45 of Chapter 122 of the General Laws, 1939 pertaining the requirement for public utilities to file schedules of rates with the public utility administrator.

H.B. 651 approved March 17, 1949, Chapter 2174. This act amends Sections 30 - 34 of Chapter 122 of the General Laws, 1938, relating to the change of rates by order of the public utility administrator, appeal to the Supreme Court by persons aggrieved by an order of the public utility administrator and appeal to the public utility hearing board.

Electricans - S.B. 136, approved May 5, 1949, Chapter 2270. This act amends the act creating the state board of examiners of electricians (Chapter 1234, Public Laws 1942) with regard to licenses for elevator journeymen electricians.

H.B. 858 (same as S.B. 136) Died in House.

Fair Employment Practices Commission - H. 539, approved April 1, 1949, Chapter 2181. This act creates a fair employment practices commission whose powers and duties shall be to prohibit discriminatory employment practices and policies based upon race or color, religion, or country of ancestral origin.

Electric Rates - H.B. ⁵³⁶ adopted March 17, 1949. This is a resolution of the legislature requesting the Governor to submit to other New England governors, at the next New England governors' conference, a proposal for a governors' joint request to the Federal Power Commission for a survey to be made of New England power potential.

Failed:

Utility Rate Hearings - H.B. 650, vetoed by the Governor on March 17, 1949.

Gas and Electric Rates - S.B. 110, Died in Senate.

Public Utilities - H.B. 1003, Died in House.

Public Utility Franchises - H.B. 781, Died in House.

Municipal Electric Power - H.B. 933, Died in House. This bill would have authorized municipalities to acquire, construct or lease electric power plants.

St. Lawrence Development - H.B. 535, Passed House, Died in Senate. This was a resolution of the legislature relating to the development of the St. Lawrence River.

1949 South Carolina Legislation

Final Report - Session: January 11 to June 9, 1949

[The 1949 session of the legislation is the first of two meetings of the South Carolina General Assembly. The second session will convene on January 10, 1950. All measures not finally disposed of in the 1949 session may be further considered at the 1950 session along with new bills.]

A. Affirmative Program

Rural Electrification Act Amendment. S.B. 77 approved March 21, 1949, Act 70. This law amends Section 9 of the South Carolina Rural Electrification Act (Act 173, Act of 1939; Section 8555-99, 1942 Code) to permit 3-year staggered terms for directors in addition to the present provision for 2-year staggered terms. (This act was sponsored by the REA borrowers in South Carolina).

Chattel Mortgages. S.B. 106 approved April 4, 1949, Act 100. This law amends Section 8713, Code of Laws of South Carolina, 1942, to permit printing of the description of property covered by chattel mortgages of rural electric cooperatives. (Previously the description was required to be typewritten or in writing this act was sponsored by the REA borrowers in South Carolina).

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Recording Fees - Newberry County. H.B. 1253 approved March 16, 1949, Act 57. This law amends Section 4932, Code of Laws of South Carolina, 1942, by striking Newberry County from the provisions of the section. The section relates to fees for the recording of chattel mortgages and rights-of-way and easements over real property for the purpose of constructing cooperative rural electrification lines.

Contractors - Licenses. S.B. 199 approved May 28, 1949, Act 203. This law amends Section 7034-1 and 7034-3, Code of Laws of South Carolina, 1942, by providing that the annual license tax of contractors subject to the provisions of this act shall be collected by the South Carolina Licensing Board.

Amend

- 2 -

Duke Power Plant - Tax Exemption. H.B. 1701 approved June 1, 1949, Act 211. This law Section 2842, Code of Laws of South Carolina, 1942, to provide a five year exemption from taxes for the Duke power plant being constructed on the Saluda River.

South Carolina Legislative Council. H.B. 1001 approved June 6, 1949, Act 294. This law establishes the South Carolina Legislative Council. The council has the duty of assisting members of the legislature in the preparation of legislation and to accomplish this purpose it is authorized to establish divisions for research, reference and drafting.

Pending:

Hydro-Electric Power Tax. S.B. 249, in Senate Committee.

Mortgages & Filing. H.B. 1878, Passed House, in Senate Committee.

Public Service Commission - Telephone Regulation. H.B. 1446 in House Committee. This bill provides for the regulation of persons, firms and corporations engaged in business as a telephone utility by the South Carolina Public Service Commission.

1949 South Dakota Legislation - Final Report

Thirty-first Session: January 4 to March 4, 1949

Governor's Message

The following excerpts are taken from the January 4, 1949, message of Governor George T. Mickelson to the legislature:

"In the past two years we have witnessed the beginning of actual construction in the development of the land and water resources of the great Missouri River Basin. One of the keys to South Dakota's future progress lies in our ability to utilize the great potentialities of this gigantic program. Our expansion in industry, agriculture, business and population will depend upon our faith and the extent of our desire and willingness to work and plan for a state of wealth and opportunity

.....

"South Dakota's stake in the development of the land and water resources of the Missouri River Basin is a multitude of tangible benefits of staggering proportions. This gigantic program has properly been termed the greatest piece of engineering in the history of the world. The four dams either in the process of construction or scheduled for construction on the main stem of the Missouri River in South Dakota will constitute the key to the success of the entire program. It is the fulcrum by which the future welfare of the people of this state, area, and the entire nation will be levered into a better position of economic security and well-being. And yet, these key projects, all within the borders of our state, are only a part of the total picture. Dams on the tributaries and streams, combined with the main stem dams and the diversion of stored water for irrigation purposes, comprise the largest program of any state in the entire basin. There is scheduled for expenditure in South Dakota during the next six years over \$1,010,000,000. This work is no longer just an engineer's vision. Substantial parts of it are out of the planning stage and construction is actually in progress..... I should like to repeat here and now a statement I have previously made that 'The program for developing the land and water resources of the Missouri Basin is the greatest single undertaking since our acceptance of the responsibilities of Statehood.'

"The next two years quite conceivably could be the most important two years in our state's history. In that time the river program will have advanced to the peak of the construction stage in many of the largest projects, some will have been completed and still other smaller ones will have been started.....

"It is my belief that the time has arrived when those engaged in furnishing light, power and gas to the people of our state should be placed under regulation and supervision of our Public Utilities Commission along with the common carriers, telephone and telegraph companies now being supervised by this state regulatory body. I recommend that such legislation be enacted at this session....."

CONSUMER POWER DISTRICTS

"Without a doubt there will be presented to you a bill which would supplement the present laws under which the Rural Electric Associations operate, and which govern the generation and distribution of electric energy by municipalities. Such a proposal, likely, will call for the creation of consumer, or public power districts within the state. In the study I have been able to make of the subject I find that it has many ramifications. There are many questions as to the feasibility and methods of creating such power districts which are still unanswered in my mind. I am sure you members of the legislature have given some thought and study to the problem and no doubt there are many of you who, like myself, would like further information before committing yourselves to a course of action. I know from contacts throughout the state that there are still many unanswered questions in the minds of a large segment of our people. For these reasons, I do not feel able in this message to advise you as to the wise and prudent course to pursue.

"The subject is of such magnitude as to demand the careful and minute consideration of the appropriate committees of the two houses and of each and every one of us during this legislative session. Personally, I shall welcome enlightenment on all phases of the subject from any of you and from anyone else. I feel confident that you will decide the issue on its merits after full and complete hearings and study. I am sure you will welcome the advice and testimony from all informed sources. If you will follow this deliberate course of action and study in considering this important question, I feel that the people of our state will generally accept your decision."

A. Affirmative Program

Failed:

Consumers Power Districts Bill - H.B. 157. Passed House 43-27; Killed in Senate 12-17.

This

The provisions of the bill, which was largely patterned after the Nebraska law, stated that its purpose was to permit nonprofit, public service, utility districts to be organized to supply electric energy and to promote and extend the use thereof throughout the entire State of South Dakota. As originally introduced the bill provided that the petition for the organization of a consumer's power district shall be signed by 15 percent of the qualified electors in the territory of the proposed district. This provision was amended in the House to require signing of the petition by 51 percent of the qualified voters. The bill was also amended to make consumers power districts subject to excise taxes equal to the taxes which a public service company, under similar circumstances, would be required to pay on its real and personal property.

(The South Dakota Rural Electrification Administration was extremely active in sponsoring and pressing for the passage of this bill. The Governor indicated his support for this bill by stating that he would sign it if it passed the Legislature. However, although the bill passed the House by a comfortable margin, the supporters of public power were unable to push their bill through the Senate.)

S.B. 266. Passed Senate, Tabled in House.

This bill would have established an interim committee to review, study and

investigate the subject of consumers power districts. The committee was to report its findings to the next regular session of the legislature (1951). This bill was introduced in the Senate in place of H.B. 157 (Consumers Power Districts Bill) which was defeated by the Senate.

Rural electric cooperatives - motor carriers. H.B. 258, Died in House.

This bill would have amended section 44.0422 of the South Dakota Code of 1939 relating to motor carriers, to exclude rural electric cooperatives from the definition of "motor carrier" in connection with the operation of their motor vehicles in the course of their business.

B. Defensive Program

Enacted:

Revenue Bonds - Public Works. H.B. 223, approved March 5, 1949, Chap. 191.

This act amends several sections of the South Dakota Code pertaining to the issuance of revenue bonds by municipal governments (Ch. 45.24 et.seq.). Section 11 of this act validates the action taken by any municipality prior to the effective date of the act, in issuing revenue bonds for the acquisition and operation of any utility. Section 12 contained an emergency clause to have the act become effective upon signature by the Governor. (This bill was introduced and passed through the efforts of the City of Winner in order to validate its previous action of issuing revenue bonds for the purpose of acquiring and operating an electrical utility system. South Dakota 26 held a franchise, which expired on June 30, 1949, to serve the town of Winner and began a suit in the South Dakota Supreme Court challenging the authority of the town of Winner to issue such revenue bonds. The court handed down a decision in favor of the cooperative. The City of Winner pleaded the recent enactment of H.B. 223 as a defense and requested the court to rule in their favor. However, the court held that the action was not of an emergency nature and therefore the law could not become effective before July 1, 1949, and would not apply to the lawsuit. Therefore, although South Dakota 26 won its case, the town of Winner by the enactment of this law has nullified the accomplishments of the cooperative in winning the court decision.)

Failed:

Public Utilities Act. H.B. 36, Died in Committee.

This bill was introduced to meet the request of the Governor (as indicated in the excerpt from his message above). This comprehensive bill provided for the establishment of a Public Utilities Commission, with jurisdiction and supervision over all public utilities. The Public Utilities Commission would have the authority to regulate and control the properties, facilities, operations, accounts, rates, service, etc., of public utilities and contained provisions for the licensing of such utilities and the payment of license fees.

Electric Transmission Lines. S.B. 278, Passed Senate. Killed in House.

This bill would have amended Section 28.1001, South Dakota Code of 1939 which authorized Boards of County Commissioners to grant to certain persons the right to erect and maintain poles and wires for the purpose of conducting electricity, for lighting, heating and power purposes along any public highway in the County. The proposed amendment would have granted the governing body charged with

maintenance of the highway authority to establish regulations as to the location and construction of the poles, braces, guy wires, etc., and the power to order the relocation of such poles, etc., when deemed necessary for the safety or convenience of the public.

C. Collateral Legislation

Enacted:

Cooperative Associations. S.B. 167, approved February 25, 1949, Chapter 23.

This act amends Sec. 11.1101 of the South Dakota Code, relating to cooperative associations by extending its provisions to include associations organized for the purpose of constructing and operating hospitals and providing for medical services.

Electric Companies - Preferred Stock. S.B. 91, approved March 3, 1949, Chapter 211.

This act amends Sec. 52.1518 of the South Dakota Code providing for the authorization and issuance of preferred stock by public service companies.

Mortgages - Recording. S.B. 173, approved March 2, 1949, Chapter 203.

This act provides for the recording of certain instruments affecting the title to real property and legalizes the records of such instruments heretofore recorded.

Cheyenne River Compact. S.B. 103, approved February 16, 1949, Chapter 257.

This act provides for the ratification and approval of the Cheyenne River Compact between the States of Wyoming and South Dakota.

Missouri Basin Project. H.C.R. 7, adopted March 2, 1949.

This concurrent resolution memorialized Congress to appropriate sufficient funds to meet the construction requirements for the Oahe and Fort Randall Dams and to initiate construction on the Gavins Point Dam.

Failed:

Telegraph and Telephone Companies. S.B. 131, Passed Senate; Killed in House.

This bill proposed an amendment to Section 52.1312 of the South Dakota Code of 1939 relating to consolidations or mergers of telegraph or telephone companies. The amendment would require prior permission from the Public Utilities Commission, by a telephone or telegraph company, before undertaking any move to construct competing telegraph or telephone lines into a territory already receiving service from another company.

Municipal Utility Bonds. H.B. 200, Died in House.

This bill proposed an amendment to Sections 45.2402 and 45.2415 of the South Dakota Code of 1939 relating to the power of municipalities to issue revenue bonds for the purpose of defraying the cost of acquiring or establishing a utility (including electric utilities) by providing that the vote of electors shall not be required when a municipality seeks to issue bonds for extension or enlargement of a utility system owned by the municipality.

Public Utilities Commission. H.B. 276, Died in House.

This bill proposed to extend the jurisdiction of the Public Utilities Commission over holding companies and other affiliated interests of Public Utilities.

H.B. 278. Died in House.

This bill proposed to prescribe the rate base upon which public utility companies within the State, subject to the jurisdiction of the Public Utilities Commission, shall be entitled to a return.

H.B. 327. Passed House, Killed in Senate.

This bill proposed that the Public Utilities Commission in making investigations of the reasonableness of the rates and charges of the public utilities under its jurisdiction shall have the expenses incurred in such investigations paid by the public utilities.

1949 Tennessee Legislation

Final Report - 76th Session: January 3 to April 15, 1949

A. Affirmative Program

Municipal Revenue Bond Act. H.B. 190, approved April 15, 1949, Chapter 211. This act amends subsection 2 of Section 4 of the Revenue Bond Act of 1935, which provides that a municipality may operate public works outside its corporate limits, by removing the restriction that it must operate such public works within the State. (This amendment was sponsored by REA borrowers in order to permit Tennessee 17 Bolivar to operate lines in Mississippi.)

B. Defensive Program

Electric Cooperative Act. H.B. 468, Died in House.

This bill would have amended the Electric Cooperative Act by adding a new Section 10(a) which would have provided that "when the territory in which a cooperative supplies electric energy comprises territory in more than one county, each county with at least 500 members shall elect an equal number of the Board of Trustees. If this will result in an even number of the Board of Trustees, then the counties shall alternate, in alphabetical order, in electing an additional Trustee. If the total number of counties with at least 500 members exceeds the total number of Trustees now provided, then each of such counties shall elect at least one Trustee." (This bill was considered objectionable as it would provide inequality in representation.)

C. Collateral Legislation

Enacted:

Utility Service - beyond corporate limits. H.B. 327, approved February 18, 1949, Chapter 23.

This act provides that counties, utility districts, municipalities, and other public agencies which operate any form of utility service may extend such service to customers located outside of their boundaries. Section 2 provides that the charges made for such service shall be sufficient to make the service self-supporting. Section 3 prohibits the extension of such services into sections, roads or streets already occupied by other public agencies rendering the same service.

West Tennessee Flood Control District. S.B. 1224, approved April 15, 1949, Chapter 247.

This act creates the West Tennessee Flood Control and Soil Conservation District.

Bonds - Validation. S.B. 806, approved April 14, 1949, Chapter 194.

This act validates bonds and notes heretofore issued by any county, city, town or utility district.

Electric Bonds. H.B. 534, approved February 25, 1949, Private Acts, Chapter 296. This act authorizes the Town of Morristown to use electric revenues to pay for bonds issued against its public utility system.

H.B. 1262, approved April 7, 1949, Private Acts, Chapter 571. This act validates the \$300,000 bond issue of the Town of Columbia for extension of its electric plant and provides that no election is necessary.

H.B. 748, approved March 30, 1949, Private Acts, Chapter 377. This act amends the charter of the city of Johnson City to provide that no referendum shall be necessary in connection with the issuance of revenue bonds for the purpose of extending or expanding electric service or the electric plant.

Electric Plants. H.B. 1152, approved April 8, 1949, Private Acts, Chapter 543. This act amends the charter of the town of Cookeville to authorize the conveyance to the United States of rights, titles and interests to its hydro-electric and lighting plant.

H.B. 1648, approved April 15, 1949, Private Acts, Chapter 856. This act amends the Municipal Electric Plant Act to provide that there shall be representation in the supervision and control of an electric plant, owned and operated by a city located in a county having a population of not less than 51,600 and not more than 51,700, by persons residing outside of the corporate limits of the city and taking service from the city-owned plant.

Telephone Franchise. S. 1266, approved April 13, 1949, Private Acts, Chapter 674. This act amends the charter of the town of Munford, to give the town the power and authority to grant franchises to telephone and telegraph companies.

Telephone Rates. H.Res. 16, adopted February 25, 1949.

This resolution authorizes the appointment of a 3-member committee of the House to investigate the promises, made by certain telephone companies, to improve service and extend coverage made in connection with an application for rate increases.

New Johnsonville Steam Plant. S.Res. 2, adopted January 5, 1949.

This resolution urges the Tennessee delegation in Congress to press for the appropriation of funds for the construction of the New Johnsonville Steam Plant.

Failed:

Labor Disputes - Electric Utilities. H.B. 539, vetoed by Governor April 15, 1949. This bill would have provided for the "prompt, peaceful and just settlement of labor disputes" between public or private corporations, organizations, or any other agency, generating, transmitting or distributing electric energy and their employees. The provisions of this bill would have been applicable to electric cooperatives. It would have required compulsory arbitration of labor-management controversies by the public utilities commission.

S.B. 404, Died in Senate. This bill would have ^{baned} ~~forbidden~~ strikes against electric utilities.

Utilities - financial statements. H.B. 415, Died in House.

This bill would have amended Chapter 248, Pub. Acts, 1937, relating to the incorporation of utility districts by providing for the publication of the financial condition of the district within 90 days after the close of the fiscal year.

Contractors - Licenses. H.B. 383, Passed House, Died in Senate.

This bill would have amended the act creating a State Board for Licensing General Contractors by providing that one of the 5 members of the Board be a sub-contractor.

Electrical Installation - Inspection. S.B. 1046, Killed in Senate.

Electric Power. H.B. 1026, Died in Senate.

Public Utilities Commission. S.B. 128, Withdrawn in Senate.

S.B. 1228, Died in Senate.

H.B. 1534, Died in House.

Public Utilities. S.B. 1179, Died in Senate.

S.B. 1180, Died in Senate.

S.B. 1181, Died in Senate.

S.B. 1182, Died in Senate.

1949 Texas Legislation

Final Report - 51st Session: January 11 to July 6, 1949

A. Affirmative Program

Electric Transmission Lines. H.B. 393 approved May 20, 1949, Chapter 223, authorizes Rural Electric cooperatives and all other corporations engaged in the generation, transmission and/or distribution of electric energy in Texas to erect, construct, maintain and operate lines over, under, across, upon and along the right-of-way of roads and highways outside the corporate limits of cities and towns in accordance with the standards established by the National Electric Safety Code, as published in March, 1948, by the National Bureau of Standards, Handbook 30. Where a transmission line crosses a highway or road it shall be at least 22 feet above the surface of the traffic lane. The Act further provides that where a line is constructed along a road which passes through an unincorporated city or town, which later becomes incorporated, the corporation maintaining such line shall continue to have the right to operate the line for a period of 10 years after the date of such incorporation. (This Act was sponsored by the Texas Rural Electric Cooperatives to provide legislation permitting the construction of electric transmission and distribution lines along and upon public roads and highways. A decision of the Texas Supreme Court, Incorporated Town of Hempstead v Gulf States Utilities Company had held that electric lines could not be constructed along public highways and this legislation was offered to overcome that lack of authority.) S.B. 205 (same as H.B. 393), Died in Senate.

Rural Electric Systems - Home Rule Cities. S.B. 482 approved July 4, 1949, Chapter 535. This law permits home-rule cities, authorized to operate municipal electric systems within and without the corporate limits of such cities, to maintain rural electric systems as a separate unit apart from their municipal electric system. The Act further provides that all bonds, mortgages, etc., shall never be a debt of the city but a charge upon the properties of the system against which they are issued. The Act provides that a city shall not be authorized to construct facilities or furnish electric power and energy to any area already being served with central station electric service; that the obligations issued under this Act are exempt from State and local taxes and that bonds issued pursuant to this Act need not be reviewed by any State official. (This legislation was introduced by Senator Moore of Bryan, Texas, in order to facilitate the making of an RFA loan to the City of Bryan.)

Hydro-Electric Power Plants - Municipal Electric Systems. H.B. 610 approved May 14, 1949, Chapter 203. This Act authorizes cities owning electric distribution systems to acquire by purchase and to maintain, improve, and operate facilities for the generation of hydro-electric power. The purchase of such facilities may be financed through the issuance of bonds payable from the revenues of the hydro-electric power plant. The Act provides that the acquisition must be authorized by an election and that the city may enter into contracts for the sale of electricity not used for distribution by its own system. The hydro-electric power plant to be purchased must be located within five miles of the boundary of the city and must have facilities for the generation of hydro-electric power having an installed capacity of not less than 2,000 kilowatts.

Light and Power Revenues - Bonds Payable. H.B. 445 approved May 21, 1949, Chapter 250, authorizes cities and towns, including Home Rule Cities, to issue bonds for the purpose of improving and extending their light and power systems. Bonds issued shall be payable from the revenues of their light and power systems and shall constitute a lien upon said revenues inferior to the lien securing payment of bonds previously issued. The issuance of such bonds shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts.

B. Defensive Program

Hydro-Electric Regulatory Commission. H.B. 500, Died in House. This bill would have established the Texas Hydro-Electric Regulatory Commission with the power to regulate and control the services rendered by hydro-electric projects situated on navigable rivers in the State of Texas. The Commission would have the authority to regulate the rates and charges for electric power and services rendered by any District, Authority or State Agency operating such hydro-electric project. The bill would also have required that contracts for the sale of electric energy be filed with the Commission for examination and approval. (This bill would have affected the operations of the Brazos River Conservation and Reclamation District, which sells power to the Brazos River Transmission Electric Cooperative. By creating a State regulatory body, the jurisdiction of the Federal Power Commission over the establishment of rates for this District would have been challenged.) S.B. 327 (same as H.B. 500), Died in Senate.

Electric Cooperatives - Taxation. S.B. 47, Died in Senate. This bill would have amended Sections 30 and 36 of Chapter 86, Acts of 1937, Electric Cooperative Corporations Act, by providing that all corporations formed pursuant to this Act be required to pay the same taxes required of other corporations in the State engaged in the same or similar business, including franchise taxes, State and local ad valorem taxes and all other taxes. (This bill was opposed by the FEA co-ops. Section 3 of this bill states "that certain corporations enjoying exemption from taxation are competing on an unfair basis with those companies not having exemptions" and that "such inequalities are unfair and have been abused by many so-called co-operative organizations".)

Electric Cooperatives - Tort Liability. H.B. 210, Died in House. This bill would have amended Section 36 of Chapter 86, Acts of 1937, Electric Cooperative Corporations Act, by providing that corporations organized under this law shall be liable for their torts in exactly the same manner as any corporation organized under the general incorporation laws of the State. (This bill was referred to the Attorney General for his opinion as to the tort liability of electric cooperatives. Section 2 of this bill stated that electric co-operatives were "claiming to be exempt from all other laws of the State of Texas and that such corporations are also claiming to be charities and therefore not liable for the torts of their servant or the ~~negligence~~ and damages caused by their operations and activities".)

Taxes, License Fees - Cooperatives. S.B. 147, Died in Senate. This bill would have made every co-operative or fraternal association or corporation authorized to do any business, in the State of Texas, ~~to be~~ subject to the payment of the same license fees and taxes as any other association or corporation doing similar business in the State. It would have repealed all laws presently providing exemptions from taxes. (This bill was opposed by the REA co-ops as well as other organizations affected. The bill was submitted to the Attorney General of the State of Texas, who ruled that it was unconstitutional on the grounds that revenue-raising action belonged solely to the House of Representatives).

C. Collateral Legislation

Enacted.

Lower Colorado River Authority. H.B. 101 approved March 29, 1949, Chapter 61, amends the Act establishing the Lower Colorado River Authority by authorizing the issuance of additional bonds not to exceed \$50,000,000 at any one time, ^{Funds} which may be used to build and construct dams on the Colorado River; to install hydro-electric generators and other related facilities; and for the construction of such additional lines and the purchase and installation of such additional equipment as may be deemed necessary to meet the demand for electric power in the area now served by the transmission lines and distribution systems of the Authority.

Sabine River Authority. H.B. 467 approved May 3, 1949, Chapter 110, establishes the Sabine River Authority which has the responsibility over the territory contained within the watershed of the Sabine River for the purpose of controlling floods, conserving the soils, providing a water supply for municipal, industrial, domestic, and hydro-electric purposes and all other useful purposes. In this connection the Authority may own and operate hydro-electric generating facilities. Section 22 of the Act provides that "the rates and charges for electric power sold shall be reasonable, nondiscriminatory and just to the customers," and that the "Board of Water Engineers shall have the power to regulate and fix the rates and compensation to be charged by the district for electric energy and other services." S.B. 275 (same as H.B. 467), Passed Senate, Died in House.

Interstate Compact Commissioner - Canadian, Red and Sabine Rivers. H.B. 594 approved June 13, 1949, Chapter 380, authorizes the Governor to appoint an Interstate Compact Commissioner to represent the State of Texas in conferences with duly appointed commissioners for other State and a representative of the United States Government to negotiate an agreement with each of the affected States respecting the use, control and disposition of the waters of the Canadian, Red and Sabine Rivers and their tributaries. S.B. 293 (same as H.B. 594), Died in the Senate.

Pecos River Compact. S.B. 169 approved March 4, 1949, Chapter 30. Approves and adopts the Pecos River Compact entered into by the State of Texas and New Mexico which provides for the equitable division and apportionment of the use of the waters of the Pecos River, including facilitating the construction of works for the more efficient use of water. H.B. 288 (same as S.B. 169), Died in House.

Brazos Conservation District. S. Res. 92 adopted March 24, 1949.

This resolution authorizes the Senate General Investigation Committee to conduct an investigation into the operations of The Brazos Conservation and Reclamation District. The Committee was directed to study the contract between the District and the Brazos River Transmission Electric Cooperative to determine: the manner in which the contract is being performed; the advantages flowing to the District because of such contract; the effect of the litigation now pending involving the contract; whether the operations of the Brazos River Transmission Electric Cooperative are ultra vires the law and its charter; to what extent the rights of the State to regulate and control the use of water stored in the Brazos River and its tributaries are being imperiled or subjected to loss because of any contracts presently held or which are being sought by the Cooperative; what legislation, if any, is needed to protect the interests of the State, etc.

Herbicides--Regulation of Use. H.B. 420 approved June 23, 1949, Chapter 471.

This bill provides for the regulation of the sale and use of 2,4-D and all other hormone type herbicides. It further provides for the licensing of dealers and the licensing and bonding of users of herbicides, such licenses to be issued pursuant to rules and regulations promulgated by the Commissioner of Agriculture of the State of Texas.

Failed:

Stationary Power Engineers. H.B. 837 relating to engineers of stationary power plants, Died in the House.

Plumbers License Law. H.B. 711, Died in House.

Chattel Mortgages. S.B. 214, Passed House, Died in Senate.
S.B. 228, Died in Senate.

Chattel Mortgage--Fees. H.B. 343, Passed House, Died in Senate.

Legislature--Annual Sessions. H.J. Res. 5 approved April 28, 1949, as amended by H.J. Res. 46 approved July 25, 1949, provides for the submission to the electors, at the November 8, 1949, general election, of a constitutional amendment providing for the holding of annual sessions by the Texas legislature. If adopted the legislature will meet in two regular sessions. The first regular session will meet in odd-numbered years and the second regular session will meet in even-numbered years. At the second regular session the legislature may consider only proposals to amend the constitution and to make appropriations to pay monthly recurring expenses and salaries and such other measures as 4/5 of the members of each house of the legislature may determine shall be considered. (This proposed constitutional amendment failed to be adopted at the November 8, 1949 general election.)

1949 Utah Legislation

Final Report - 28th Session: January 10 to March 10 1949

Governor's Message

The following excerpts are taken from the January 10, 1949 message of Governor J. Bracken Lee to the legislature:

"Our future industrial and agricultural growth is substantially dependent upon the development of projects upon the Colorado River, which when fully and finally completed will provide us with much needed power and water. To you will be presented for ratification the upper Colorado River Basin Compact.

Last October, the compact was signed by all five of the upper basin states. If ratified by these states and the Congress of the United States, it will become the law of the river. I urge you to give to the compact your most careful and studied consideration, for upon its final ratification you will have fixed for all time Utah's rights to the waters of the Colorado...."

A. Affirmative Program

Public Utility Districts - S. 272, Died in the Senate. This bill would have created public utility districts to be established as municipal corporations for the purpose of conserving the water and power resources of the state. The districts would make a survey of hydro-electric power and water supply and make plans for the coordination of water supplies for power, irrigation and domestic purposes as well as have the authority to develop the water supply and to construct and operate power plants.

B. Defensive Program

Electrical Installation License - H.B. 93, Died in House. This bill related to the requirement of obtaining a license for electrical installations.

S.B. 94 (same as H.B. 93) Died in Senate.

Electrical Standards - H.B. 76, Died in House. This bill related to the establishment of electrical standards.

(Experience in other states has shown that legislation along these lines have a tendency to slow down the rural electrification program through delays in securing approvals of wiring installations or obtaining licenses.)

C. Collateral Legislation

Enacted:

Upper Colorado River Basin Compact - S.B. 1 approved, January 31, 1949, Chapter 19. This act ratifies the Upper Colorado River Basin Compact

entered into by the States of Arizona, Colorado, New Mexico, Utah and Wyoming on October 11, 1948 and subsequently approved by the Congress of the United States (Public Law 37, 81st Congress First Session).

Failed:

Contractors - Licensing - S.B. 111, A bill relating to the licensing of contractors, Died in the Senate. H.B. 71 which also related to the licensing of contractors, Died in the House.

S. B. 145, A bill relating to the bonding of contractors, Died in the Senate.

Utilities - S.B. 268, A bill relating to the rate changes of public utilities, Died in the Senate.

S.B. 267, A bill relating to utility bonds, Died in the Senate.

S.B. 23, A bill relating to escheat - public utilities, was killed in the Senate.

Corporations - S.B. 83, A bill relating to corporation charters, Died in the Senate.

Cooperatives - S.B. 153, A bill relating to consumer cooperatives, Died in the Senate.

H.B. 79, A bill relating to consumer cooperatives, Died in the House.

Microfilming - Records - H.B. 205, A bill relating to the microfilming of records, Died in the House.

S.B. 223 (same as H.B. 205) Vetoed by Governor March 19, 1949.

Utah Water and Power Board - H.B. 232, A bill amending the act establishing the Utah Water and Power Board, Died in the House.

1949 Vermont Legislation

Final Report - Session: January 5 to May 13, 1949

A. Affirmative Program

Rural Electric Cooperatives. H.B. 142, Killed in House. This bill would have provided that any person or corporation whose officers or employees knowingly induce or attempt to induce a member of a rural electric cooperative to breach or terminate his membership or contract, or who spreads false reports about the finances or management or activity of an electric cooperative to be liable to a fine of not less than \$100 or more than 1,000, and be liable to the corporation aggrieved in a civil suit in the penal sum of \$500 for each offense.

Power Authority Act. H.B. 170, Killed in House by a vote of 151-69. This bill would have created the Vermont Power Authority. The Authority would have been given the power to investigate, plan, integrate, expand and develop an interconnected system of wholesale generation, transmission and distribution of electricity for the State of Vermont. In this system the authority would have acted as wholesale distributor and existing companies and cooperative associations would have served as retailers. The Authority would have also been given the power to construct, operate and maintain hydro-electric projects, fuel-electric power plants, and such transmission facilities as may be necessary to transmit power to such areas in the state as may be necessary in order to provide for local distribution, etc. The Authority would have been given powers necessary to carry out the policy of assuring an abundance of electric power at the lowest possible rates for the benefit of the homes, farms and industries of the state.

B. Defensive Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Public Service Commission - Interchange of Electric Facilities. H.B. 196 approved April 11, 1949, Act 224. This act provides that the public service commission is empowered to order a company engaged in the manufacture, transmission or sale of electricity, either directly to the public or for ultimate public use, to transport electric energy over its transmission facilities at a reasonable service charge and in such manner as the commission shall direct when such transmission will alleviate an electric power shortage in the state.

Public Service Commission - Rate Schedule Changes. H.B. 52 approved March 3, 1949, Act 222. This act amends the procedure to be followed by the public service commission in connection with rate schedules and their effective dates. The amendment provides that a hearing as to the reasonableness of proposed rates may be initiated by the commission and when temporary increases in rates are allowed a bond shall be posted with the commission as surety for the repayment of excess charges. Further provision is made for putting rates into effect if the commission has not issued a final determination after the holding of a hearing.

Public Service Commission - Completion of Cases. S.B. 90 approved May 5, 1949, Act. 220. This act amends section 9287 of the Vermont Statutes, Revision of 1947, by providing that a case before the commission shall be deemed completed when the commission enters its final order even though the order is appealed to the Supreme Court and the case is remanded by the court to the commission.

Public Service Commission - Expert Assistance. H.B. 204 approved April 20, 1949 Act 221. This act amends sections 9303, 9304 and 9305 of the Vermont Statutes, Revision of 1947, relating to the employment of expert assistance by the commission by providing the employment of legal counsel.

Public Service Commission - Sale of Stock and Bonds. H.B. 358 approved April 25, 1949, Act 137. This act amends sections 5999, 9329, 9330, and 9381 of Vermont Statutes, Revision of 1947, with respect to the issuance and sale of stocks, bonds, notes, debentures and other evidences of indebtedness of corporations subject to the jurisdiction of the public service commission. H.B. 167 (same as H.B. 358), Withdrawn in House.

Public Service Commission - Power and Duties - Dams. H.B. 385 approved May 5, 1949, Act 223. This act amends sections 9397 to 9410, Vermont Statutes, Revision of 1947, with respect to the jurisdiction of the public service commission over dams, by transferring such jurisdiction to the Vermont State Water Conservation Board. Exception is made for those dams which have or contemplate as an incident thereto the generation of electric energy.

Chattel Mortgages - Foreclosure. H.B. 48 approved February 15, 1949, Act 62. This act amends section 2737, Vermont Statutes, Revision of 1947, relating to the foreclosure of chattel mortgages and conditional vendors' liens.

Corporations - Liquidations. H.B. 352 approved April 25, 1949, Act 135. This act amends section 5346, Vermont Statutes, Revision of 1947, relating to the winding up affairs of corporations.

Failed:

New England Development Authority. H.B. 437, Died in House. This bill would have established the New England Development Authority in conjunction with the States of Maine, New Hampshire, Massachusetts, Connecticut and Rhode Island. (The bill was introduced into the legislature of each of the above states but was enacted only in the 4 (Island) Plumbbers - Registration. S.B. 46, Killed in Senate. This bill would have provided for the registration and licensing of plumbers.

1949 Washington Legislation

Final Report - 31st Session: January 10 to March 10 (20), 1949

Governor's Message

The following excerpts are taken from the January 10, 1949 message of Governor Arthur B. Langlie to the legislature:

"A few years ago, with the backing of the Federal Government, we undertook a large scale development of our vast water power resource. On the basis of what appeared to be an almost unlimited electric-energy potential at attractive rates, we challenged the East's bid for industrial expansion. With ever-increasing momentum, the heavy industries of the East are turning their eyes to the West with our power potential as the enchanting lure. Already we are beginning to feel the impact of that industrial influx. . . .

"We can look forward to continuing rapid growth if we can fulfill our promise of adequate power. That promise, however, is at present in jeopardy. Our existing power production is over-subscribed. We are in critical need of additional generating capacity. Bound up with this problem is the necessity of fully developing our irrigation resources. . . .

"I, therefore, urge you to give careful consideration to legislation that will facilitate or expedite the construction of new dams along the Columbia River and its tributaries, or which will provide for increased power and irrigation development, and flood control, at existing dam sites.

"In this connection, I am thinking not alone of federal appropriations and national development of these resources. The long-term, over-all project of developing our hydroelectric and irrigation resources, and controlling destructive flood waters, is intimately, and primarily, tied up with the progress and welfare of this state and the Pacific Northwest. We should not, therefore, be content to look alone to Washington, D. C., for leadership and material help, but should take stock of our own ability to promote the program, and the desirability of assuming leadership ourselves.

"The first important step we should take in this direction is to examine, critically, any proposed federal legislation which would subject our power and irrigation resources to further national control instead of state or regional control. . . .

"A second step will be to consider state legislation which will provide the legal machinery for an even closer relationship between public and private power companies in the marketing of electric energy, with particular attention to conservation measures during periods of acute power shortage.

"As a third constructive step in the direction of preserving the fullest possible measure of local control and leadership, we should give consideration to asking our neighboring states to join with us in a thorough study of the whole problem, and the formulation of a joint program designed to meet our mutual needs. Through such an undertaking, it may be found that the states of this region can assume ownership and control of some or all existing facilities, or those to be installed in the future, to the end that our own primary interests will best be served without sacrifice of the legitimate national interests which are also involved. . . ."

A. Affirmative Program

State Power Commission - Public Utility Districts. H. B. 561 approved March 22, 1949, Chapter 227. This act creates a State Power Commission (Sec. 3 to 16), permits public utility districts (Sec. 2) to exercise jointly certain powers now vested in individual districts, and provides (Sec. 1) that public utility districts acquiring property located within the boundaries of a school district to make payments toward any outstanding bonded indebtedness of the school district. (The State Power Commission established under this act is authorized to acquire and operate dams, powerhouses, transmission lines, etc., to generate, produce and sell electrical energy, etc. The rates, services, etc., of the Commission will not be governed by the regulations of the Department of Public Utilities.) H.B. 322 (same as Sec. 2, H.B. 561), Passed House, Died in Senate. S.B. 301 (same as Sec. 3 to 16, H.B. 561), Died in Senate.

Rural Electric Cooperatives - Public Utility Districts. H.B. 632, Died in House. This bill would have authorized a rural electric cooperative to re-organize as a public utility district, having all the power and privileges of such districts under the law.

B. Defensive Program

Electrical Administrative Commission. H.B. 56, Passed House, Died in Senate. This bill would have established an Electrical Administrative Commission with power to regulate, inspect and enforce standards for the construction and installation of electric wiring. The bill as originally introduced would have required that its administration be wholly financed by license fees from the

electrical industry and would have established three classes of licenses. The first class, electrical contractor's licenses, the second class, electrician's licenses and the third class, electrical retailer's licenses. As the bill passed the House the provisions relating to licensing electrical retailers were stricken and the bill was amended to require immediate inspection of electrical wiring, by the Commission, upon the payment of an additional fee. (Because of the undesirable licensing features of this bill, its enactment was opposed by the REA co-ops of Washington.)

Electrical Appliances - Retail Sale. H.B. 75, Died in House. This bill would have created an Electrical Administrative Commission, which would have been empowered to regulate all persons engaged in the retail sale of any electrical devices.

Electric Power Shortage. H.B. 270, Died in House. This bill would have authorized the Governor to declare an emergency whenever conditions exist which affect the power supply adversely and to direct the Department of Public Utilities to regulate, control or prohibit the use of electrical energy deemed to be unnecessary.

H.B. 554, Died in House. This bill included the provisions of H.B. 270 and in addition provided for the establishment of an Emergency Electricity Control Board made up of representatives of the Department of Public Utilities, municipalities, public utility districts or cooperatives, privately-owned utilities and the public at large. The Board would have had the power to control and allocate power and to establish priorities for its use.

C. Collateral Legislation

Enacted:

Public Service Commission. H.B. 161 approved March 16, 1949, Chapter 117. This act creates the Public Service Commission in place of the Department of Transportation and the Department of Public Utilities. The Commission shall consist of three members, each appointed for a four-year term. The Commission will exercise all powers, duties and functions now vested in the Department of Transportation and Public Utilities. S. 239 (same as H.B. 161), Died in Senate.

Public Utility Easements. H.B. 115 approved February 16, 1949, Chapter 14. This act provides that when a city vacates a street or alley the city may retain an easement to the land for the construction, repair and maintenance of public utilities.

Records - Microfilming, Photostating. H.B. 419 approved March 21, 1949, Chapter 223. This act provides that public and private records may be photographed, photostated or reproduced on film and such copy shall be deemed to be an original copy for all purposes.

Irrigation Districts. S.B. 85, approved March 16, 1949, Chapter 57. This act provides for the issuance and sale of bonds by irrigation districts to be payable from the revenues received from charges for domestic water service or electric power service or both.

Employment - Discrimination. S.B. 12 approved March 19, 1949, Chapter 183. This act establishes the Washington State Board Against Discrimination in Employment with powers to eliminate and prevent discrimination in employment because of race, creed, color, or national origin.

Failed:

Public Utility Districts. S.B. 98, Died in Senate. This bill would have provided ~~for~~ that every resolution of the commission of a public utility district providing for the condemnation of utility property of a regulated public service company shall be subject to a referendum either by order of the commission or upon petition by the voters of the districts.

Public Utility Districts. S.B. 151, Died in Senate. This bill would have amended the law relating to condemnation proceedings by a public utility district by providing that where a public utility district files condemnation proceedings for the acquisition of property against which it had previously filed and had failed to obtain a decree of appropriation, the district shall be liable for the costs incurred by the condemnee in the prior proceedings. H.B. 609 (same as S.B. 151), Died in House.

Municipal Electric Plants. H.B. 611, Died in House. This bill would have amended the law authorizing cities to own and operate electrical plants or systems by providing that a city may acquire by purchase or condemnation any electric power plant situated within such city.

Liens. S.B. 380, Died in Senate. This bill would have amended the law granting cities owning their own water works and electric plants liens for delinquent and unpaid charges by extending such power to public utility districts. H.B. 583 (same as S.B. 380), Died in House.

Taxation - Electrical Energy. H.B. 529, Died in House. This bill would have imposed a 2 percent tax upon all cities and towns for the privilege of engaging in the sale of electrical energy.

H.B. 87, Died in House. This bill would have imposed a tax upon public utility districts for the privilege of engaging in the sale of electrical energy.

Public Utilities. H.B. 682, Died in House. Introduced by title only.

Public Service Corporations. H.B. 640, Died in House. Introduced by title only.

Grays River - Hydro-Electric Power. S.B. 214, Died in Senate. This bill would have provided that the portion of Grays River located above Grays River Falls shall not be subject to any prohibition against storage of water for hydro-electric power purposes.

Cowlitz River -Hydro-Electric Power. S.B. 347, Died in Senate. This bill would have provided that portions of the Cowlitz River upstream from Coyote Creek shall not be subject to any prohibition against storage of water for hydro-electric power purposes.

Public Utilities - Labor Disputes. S.B. 153, Died in Senate. This bill would have provided for compulsory arbitration of labor disputes in public utilities, and would have made it unlawful for employees of a public utility to engage in a strike or work stoppage.

Labor Relations Board. H.B. 271, Died in the House. This bill would have created the Washington State Labor Relations Board whose purpose would have been to promote equality of bargaining power between employer and employee to diminish the causes of industrial disputes by encouraging collective bargaining.

Licenses - Contractors. H.B. 312, Died in House. This bill would have created a "Contractors' State License Board" for the purpose of regulating the business of construction and issuance of licenses to contractors engaged in such construction.

Certificates - Engineers. S. B. 403, Passed Senate, Died in House. This bill would have amended the law relating to registration of engineers by providing that a certificate of registration shall be issued to any person over 30 years of age who had been a resident of the state for 10 years and who has had four years experience as a field engineer doing layout work or as inspector of general construction, without requiring an examination. H.B. 567 (same as S. B. 403), Died in House.

S.J.R. 21, Died in Senate. This joint resolution would have appointed a special committee to conduct a survey of power output and potential by sawmills in the state for emergency use.

S.J.R. 23, Died in Senate. This joint resolution would have appointed an interim committee of the Legislature to make a study of the watersheds of the state relating to the use of public waters for the production of electrical energy and the preservation and conservation of fish.

H.J.M. 18, Passed House, Died in Senate. This joint memorial would have endorsed the creation of a Columbia Valley Authority and urged Congress to enact legislation to put such a program into effect.

1949 West Virginia Legislation

Final Report - 49th Session: January 12 to March 12 (1⁴), 1949

A. Affirmative Program

None.

B. Defensive Program

Electrical Wiring. H.B. 20 a bill relating to electrical wiring, Died in the House.

C. Collateral Legislation

Enacted:

Condemnation. S.B. 74 approved February 23, 1949, Chapter 60. This act amends Sections 4 and 6 of Article 1, Chapter 5⁴, Code of West Virginia, 1931, with respect to the condemnation of land for public use. (These sections are applicable to railroad companies or other companies of internal improvement, including public utilities.)

Corporations. H.B. 209 approved March 13, 1949, Chapter 20. This act amends Section 3, of Article 1, Chapter 31, Code of West Virginia, 1931, with respect to the powers of a corporation relating to compromises and reorganizations by authorizing the making of contributions for charitable purposes.

Conditional Sales. H.B. 148 approved February 23, 1949, Chapter 16. This act amends Section 10, Article 3, Chapter 40, Code of West Virginia 1931 relating to the filing of conditional sales contracts.

Liens - Enforcement. S.B. 242 approved March 12, 1949, Chapter 1. This act amends Section 5, Article 2, Chapter 55, Code of West Virginia, 1931 by providing that liens created pursuant to this article may be extended for an additional period of twenty years if prior to their expiration an affidavit setting forth the unpaid balance of the debt and interest is filed in the office where the original instrument was recorded.

TVA Steam Plant. E.C.R. 22 adopted March 10, 1949. This resolution memorialized Congress in opposition to the appropriation of federal funds to plan and initiate construction of a coal burning steam power plant for the Tennessee Valley Authority.

Failed:

Public Service Commission: S.B. 273, Died in Senate, H.B. 389, Passed House, Died in Senate. These bills related to the West Virginia Public Service Commission's powers and duties.

Public Utility Service. S.B. 95, Died in Senate, H.B. 158, Died in House. These bills related to discrimination in service by public utilities.

Public Utilities - Rates. S.B. 171, Died in Senate.

Public Utility Assessments. S.C.R. 10, Died in Senate.

Plumbing Commission. S.B. 175, Died in Senate. This bill would have established the West Virginia State Plumbing Commission. H.B. 137 (same as S.B. 175), Died in House.

Corporations. H.B. 346, Died in House. This bill related to directors of corporations and their powers. H.B. 345, Died in House. This bill related to corporation by-laws. H.B. 365, Died in House. S.B. 260, Died in Senate. These bills related to the corporation license tax.

Rural Planning. S.B. 235, Died in Senate. This bill related to zoning in rural areas.

1949 Wisconsin Legislation

Final Report - 69th Session: January 12 to September 13, 1949

A. Affirmative Program

Electric Cooperative Associations - License fees - A.B. 293, approved June 22, 1949, Chapter 314. This law amends Sec. 76.48 of the Wisconsin statutes relating to the apportionment of license fees paid by electric cooperative associations. The amendment establishes a new schedule for the apportionment of license fees among local taxing units. (This bill was sponsored by REA borrowers in Wisconsin in order to provide a more equitable distribution of moneys collected from license fees.)

B. Defense Program

No legislation inimical to the rural electrification program was introduced.

C. Collateral Legislation

Enacted:

Labor Relations - Public Utility Employer - S.B. 128 approved April 1, 1949, Chapter 37. This act amends the public utility labor disputes law (Wisconsin Statutes 111.5(1)) by including rural electrification co-operative associations in the definition "public utility employer." The law specifically provides that it shall not be interpreted or construed to mean that rural electrification co-operative associations are brought under or made subject to Chapter 196 or other laws creating, governing or controlling public utilities.

Wires Over Railroads - A.B. 45 approved March 29, 1949, Chapter 23. This Act amends Sec. 180.18(1) of the Wisconsin Statutes by establishing standards for the stringing of wires over railroads.

Public Service Commission Decisions - A.B. 459, approved May 23, 1949, Chapter 166. This act amends Sec. 194.14(3) of the Wisconsin Statutes relating to the time of making decisions by the public service commission.

Telephone Fees - A.B. 17, approved March 18, 1949, Chapter 18. This act adds Sec. 76.385 to the Wisconsin Statutes and provides for transferring to the department of taxation, the functions of the State Treasurer relating to the collection of telephone fees.

Architects and Engineers - Registration - A.B. 566, approved July 18, 1949, Chapter 510. This act amends Sec. 101.31 of the Wisconsin Statutes relating to the registration of architects and professional engineers.

Failed:

Public Service Commission - A.B. 603, Killed in the Assembly. This bill would have abolished the public service commission and created in its place a department of public service and a board of public service appeals.

A.B. 90, Killed in the Assembly. This bill would have amended the law by increasing the number of public service commissioners from three to five and

provided that the members represent (a) public, (b) farmers, (c) small businessmen, (d) labor, and (e) industry.

A.B. 198, Passed Assembly, Died in Senate. This bill related to the filing of decisions of the public service commission in the State library.

S.B. 303. Died in Senate. This bill would have raised the salaries of the public service commissioners.

Public Utilities - Taxation - S.B. 71, Died in Senate. This bill would have amended Chapter 76 of the Wisconsin Statutes relating to the taxation of public utilities and insurance companies.

S.B. 72, Died in Senate. This bill would have amended Sec. 76.28 of the Wisconsin Statutes relating to the distribution of utility taxes to school districts.

S.B. 175, Died in Senate. This bill would have amended Sec. 76.28(1) of the Wisconsin Statutes relating to the distribution of utility taxes by providing that the percentage of taxes to be distributed to cities, towns and villages shall be in proportion to the averages of the percentage of property located and business transacted within each such city, village or town.

A.B. 654, Died in Assembly. This bill would have amended Sec. 71.14 and repealed Sec. 76.28 of the Wisconsin Statutes relating to the apportionment of income and public utility taxes.

Public Utility - Rates - S.B. 543, Died in Senate. This bill would have amended Sec. 196.77 of the Wisconsin Statutes relating to the procedure to be followed in connection with changes in public utility rates.

Public Utility - Property - A.B. 613, Passed Assembly, Died in Senate. This bill would have added to Sec. 196.05 of the Wisconsin Statutes relating to placing a valuation on public utility property for rate-making purposes.

Public Utility Officials - Salaries - A.B. 361, Died in Assembly. This bill would have added Sec. 196.37(3) to the Wisconsin Statutes relating to the salaries of public utility officials.

Peoples Counsel - Public Service Commission - A.B. 629, Killed in Assembly. This bill would have created a people's public service counsel whose duty would be to represent the people in proceedings before the public service commission.

Public Utility - Labor Disputes - S.B. 87, Died in Senate. This bill would have amended Sec. 111.50 et. seq. of the Wisconsin Statutes relating to the settlement of labor disputes in public utilities. A.B. 62 (same as S.B. 87), Killed in Assembly.

A.B. 94, Killed in Assembly. This bill would have repealed the existing law relating to the settlement of labor disputes in public utilities.

A.B. 640 (same as A.B. 94), Killed in Assembly.

A.J.R. 83, Killed in Assembly.

Electricians - Regulation and registration - A.B. 61, Passed Assembly, Died in Senate. This bill would have created Sec. 167.17 of the Wisconsin Statutes providing for the registration of electricians and the supervision and inspection of electrical work in the State of Wisconsin. It would have required

the registration and licensing of electricians and the issuance of permits and inspection of electrical installations.

S.B. 395, Died in Senate. This bill would have permitted counties to establish and maintain inspection bureaus to inspect electrical wiring and installations in order to assure compliance with the Wisconsin State electrical code.

Water Power Resources - A.J.R. 37, Died in Assembly. This joint resolution proposed an amendment to the constitution to provide for the organization of power districts by the State, the production, transmission, distribution and furnishing of electrical power; the acquisition, ownership, construction, operation and control of facilities for the production of electrical power; and for a study of the water resources of the State.

St. Lawrence - Development - A.J.R. 9, Died in Assembly. This joint resolution would have memorialized the Congress of the United States to authorize the immediate development of the St. Lawrence waterway.

Telephone Rates - A.J.R. 44, Died in Assembly. This joint resolution would have requested the public service commission to initiate proceedings to re-evaluate the recent rent increases granted to the Wisconsin Telephone Company.

1949 Wyoming Legislation -- Final Report

Thirtieth Session: January 11 - February 19, 1949

Governor's Message

The following excerpt is taken from the January 11, 1949 message of Governor Arthur G. Crane to the legislature:

"Those who live in Wyoming are aware of the vital importance of water to this mountain state. Water is the lifeblood of the state. Without water, neither plant nor animal could exist. Four great rivers arise in Wyoming; the Snake, the Green River, the North Platte, and the Missouri. These rivers are fed by the snows intercepted in our mountains and held in our forests. These rivers flow into other states on their way to the sea. People all along their courses are potential water users. Obviously, provisions must be made for the equitable distribution of this running water. For years work has been done looking forward to compacts between the states...The adjustment by compact is by far the best method of settling disputes. A voluntary agreement, based upon facts and figures, is far better than a court decree, and far less expensive....The following compacts will be presented for action by this legislature: Upper Colorado River, Cheyenne River, and the Yellowstone River....."

A. Affirmative program

At the annual convention of the Wyoming State Association, held in Casper, Wyoming, in December, 1948 it was agreed that the association would support an effort to revise the state law under which electric coops are organized, to relax the restrictive quorum provisions for the election of directors. It was also agreed that an effort should be made to have the tax-exemption privilege of coops, which was due to expire in 1949, extended for 10 years.

Rural Electrification Co-ops -- Tax Exemption.-- S.B. 12, approved February 14, 1949, Chapter 43.

This law exempts the property of rural electrification coops from taxation for a period of six years from and after February 12, 1949. (This law extended the tax-exemption privileges granted by Chapter 37, Laws of 1943.)

Corporations -- Directors.-- S.B. 19, approved February 8, 1949, Chapter 23. This law amends Sec. 44-109, Wyoming Compiled Statutes, 1945, by providing that corporations organized on a non-profit basis, whose members are entitled to but one vote each, with a membership of 100 or more, may provide that 15% or more of its membership shall constitute a quorum at membership meetings.

B. Defense Program

None.

C. Collateral LegislationEnacted:

Electric Power Needs -- Wyoming.-- H.J.M. 4, approved February 5, 1949. A joint memorial of the Wyoming legislature to the Congress of the United States urging that adequate steps be taken to alleviate the power shortage in the State of Wyoming and that plans for the construction of hydro-electric power plants take into consideration the future electric power needs in order to avoid crippling the economic development of the State of Wyoming.

Chattel Mortgages.-- H.B. 28, approved February 8, 1949, Chapter 30. This law amends Sec. 59-106, Wyoming Compiled Statutes, 1945 by providing that chattel mortgages shall expire 10 years after "maturity" unless renewed. Renewals may then be made for a period of two years.

Cheyenne River Company.-- H.B. 137, approved February 25, 1949, Chapter 111. This act ratifies and approved the Cheyenne River Company entered into with the State of South Dakota on August 13, 1948.

Upper Colorado River Compact.-- S.B. 3, approved January 25, 1949, Chapter 6. This law approves the compact, relating to the disposition of the waters of the Upper Basin of the Colorado River, entered into by the States of Arizona, Colorado, New Mexico, Utah and Wyoming.
(The consent of Congress to this compact was granted by Public Law 37, 81st Congress, approved April 6, 1949.)

Upper Colorado River Commission.-- S.B. 7, approved February 5, 1945, Chapter 17. This act provides that the State Engineer is to represent the State of Wyoming as Commissioner on the Upper Colorado River Commission.

Failed:

H.B. 84, a bill relating to municipal utilities, died in the House.

H.B. 115, a bill relating to Refrigerated Locker Plants, was withdrawn in the House.

H.B. 161, a bill relating to corporate mortgages, died in the House.

H.B. 211, a bill relating to the licensing of engineers, died in the House.

H.B. 198, a bill relating to electricians, died in the House.



State legislation affecting the
REA program.
1949

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